

**Lost in interpretation: the function of role, question strategies,
and emotion in interpreter-assisted investigative interviews**

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Abstract

Interpreters enable police to gather key evidentiary information during interviews with victims, witnesses, and suspects who are foreign language speakers. However, words and phrasing in one language do not always have direct interpretations, and interpreted interview evidence can be liable to distortions. To date, as far as is known, an extremely limited body of research has examined the impact interpreters have on the quality and accuracy of interpreter-assisted investigative interviews (IAIIs) and interpreted evidence. This PhD research breaks new ground by examining the impact the presence of an interpreter has on the quality and accuracy of interpreted evidence, both in the interview room and in the courtroom, utilising multiple data sources and methodologies, and highlighting the impact interpreter bias can have on the investigative and prosecution process. Furthermore, this PhD scrutinises how legislation concerning the provision of interpreters has impacted the work of criminal justice interpreters, while exploring how trauma and emotion during investigative interviews has further affected interpreted investigative interviews. Previous research has suggested that the interpreter is likely to be a factor influencing the quality of the evidence provided, particularly interpreter emotion, but this has not been explored empirically until now. Results from the four studies in this thesis indicate that discrepancies in police officers' and interpreters' expectations during IAIIs can negatively impact the quality of the interview. While both police officers and interpreters recognise emotions as a factor likely to impact the quality of the interview, currently little is done to actively prevent it. Results suggest that highly complex, traumatic crimes increase the likelihood of interpreting errors, which has significant implications for certain major crimes that are likely to involve both foreign language speakers and emotional trauma. Finally, the findings emphasise a lack of understanding on the role, function, and importance of interpreter

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Declaration

Whilst registered for the above degree, I have not been registered for any other research award.

The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

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Chapter 1 Overview

Under the European Convention of Human Rights (ECHR)¹ and, in England and Wales, the Police and Criminal Evidence Act 1984 (PACE)², anyone who cannot understand, write, or speak the language of the courts has the right to receive access to the assistance of an interpreter. In England and Wales, the Ministry of Justice (MoJ) has faced significant difficulties in meeting demands for foreign language interpreters in legal proceedings. Reports from the Courts and Tribunals Service indicates that 157,201 requests for interpreters were made in 2018, and 127,157 interpreter requests have been made from January to September 2019 (HM Government, 2019). The MoJ has improved access to legal interpreting services, with interpreter request fulfilment increasing from 78.5% in 2013 to 82.9% in 2018³, but it has yet to account for the quality of interpreting provided. Academic literature on interpreting indicates that the quality of interpreting is impacted by the qualifications of the interpreter (Berk-Seligson, 2007; Ewens et al., 2016; Flores et al., 2003; Hlavac, 2013), but it has largely

¹ European Convention on Human Rights, Article 5(2) states;

“everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him

And article 6(3), such that

“everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands in detail, of the nature and cause of the accusation against him”.

² Police and Criminal Evidence Act 1984, Code C indicates:

3.5 The custody officer or other custody staff as directed by the custody officer shall:

(a) ask the detainee, whether at this time, they:

(i) would like legal advice, see paragraph 6.5;

(ii) want someone informed of their detention, see section 5;

(b) ask the detainee to sign the custody record to confirm their decisions in respect of (a);

(c) determine whether the detainee:

(i) is, or might be, in need of medical treatment or attention, see section 9;

(ii) requires:

an appropriate adult;

help to check documentation;

an interpreter.

(d) record the decision in respect of (c).

And also Code C, 3.12

“If the detainee appears deaf or there is doubt about their hearing or speaking ability or ability to understand English, and the custody officer cannot establish effective communication, the custody officer must, as soon as practicable, call an interpreter for assistance in the action under paragraphs 3.1–3.5.”

³ Reasons requests were not fulfilled was not recorded. It was also not specified what happens when requests are not fulfilled

ignored the potential for interpreter bias. Although research suggests that interpreters are emotionally and psychologically affected when providing legal interpreting services (Fatahi, Nordholm, Mattsson, & Hellstrom, 2010; Garcés, 2015; Harvey, 2003; Kiguru, 2010; Lor, 2012), there is no empirical evidence available to indicate what impact this has on the quality of the interview.

Police officers are not the only source of influence in an interview setting. With increasing global mobility, interpreters are also becoming an integral part of the investigative process. Navigating any criminal investigation can be difficult and fraught with problems, and when language barrier also is considered, matters can become even further complicated. Public service interpreters – defined as interpreters who are employed by the public service sector (e.g.; police, courts, immigration services, health providers, etc.) – play an essential role when working with victims and suspects in the United Kingdom who have limited English language proficiency. Colloquially, the terms interpreter and translator are used interchangeably, however, within the context of this thesis, interpreting (and thus interpreters) specifically refers to *oral* transmission of meaning from one language to another, whereas translation (and translators) refers to *written* transmission of meaning from one language to another.

Public service interpreters are expected to remain neutral and interpret everything that has been said with a high degree of accuracy. This perception of public service interpreting has often been compared to that of a computer or conduit, as it suggests the interpreter - like a computer - merely “calculates” what the corresponding words are in the alternate language and transmits them directly (Llewellyn-Jones & Lee, 2013; Smith, 2016). Nevertheless, languages do not always have a one to one correlation with each other, so it is not uncommon or unexpected that the interpreter necessarily brings subjectivity when undertaking their role. Such subjectivity presents an underlying concern regarding the accuracy of the interpreters amongst practitioners who work with interpreters (Hsieh, Ju, & Kong, 2010; Mayfield, 2016;

Salaets & Balogh, 2015b). Any inaccuracies possess the potential to seriously impact on a person's ability to access justice (Lee, 2016), such as a loss of evidence, in extreme cases resulting in a wrongful conviction (Roberts-Smith, 2009). Practitioners and researchers alike have cited a need for understanding how to work effectively with interpreters, but guidelines for working with interpreters tend to focus on procurement rather than behaviour (e.g., (Metropolitan Police, 2007). Existing research has suggested that the presence of individuals in the interview room, other than the interviewer and interviewee (e.g.; legal representatives, appropriate adults, etc.), impacts how the interview is conducted (e.g.; Courvoisier, 2017; Farrugia & Gabbert, 2019; O'Mahony, Milne, & Smith, 2018; Verhoeven, 2016; Walsh, Milne, & Bull, 2015). For instance, the presence of legal representatives has been found to reduce the impact of interrogation techniques in interviews (Verhoeven, 2016). Interpreters, however, are unique as they are considered to be entirely neutral and passive participants by criminal justice professionals (e.g.; police, lawyers, judges) and yet have an active role in the ongoing conversation. This differs from a lawyer or appropriate adult, who would be assigned to look after the welfare of the interviewee, their client. Due to their unique role within the interview, interpreters are likely to have an entirely different impact when compared to other persons present in the interview room.

Recently, funding for the Transnational Organisation Crime and Translation (TOCAT) Project at the University of East Anglia has prompted an upcoming revision of interpreting guidelines for police in the United Kingdom. However, there is insufficient empirical research available to underpin and judge its effectiveness as an appropriate model of best practice. This PhD research aims to investigate gaps in the literature and provide recommendations for future research in addition to these revising emerging interview guidelines.

The primary aims and objectives of this PhD research are as follows:

- (i) assess trends and impacts of legislative changes on the quality of interpreting

services in the UK;

- (ii) determine if police officers and interpreters are (self) aware of the emotional state of interpreters during investigative interviews;
- (iii) assess interpreters' current emotional coping strategies and emotional dissonance practices during interpreter-assisted investigative interviews;
- and
- (iv) evaluate if interpreters create bias within an investigative interview, and how this impacts the quality and accuracy of the interpreted interview, in relation to both the behavioural conduct and information gathered.

As indicated in official interviewing guidelines for police officers in England and Wales (see Chapter 2: Investigative Interviews), there are differences to the approaches and conduct within interviews held with suspects in comparison to those with witnesses and victims. Suspects, for instance, may be more reluctant to answer questions and require a different approach to interviewing (e.g.; conversation management, detailed in Chapter 2). Victims, on the other hand, may require a different form of management when being asked to detail their traumatic experiences, as outlined by Risan, Binder, and Milne (2016; 2017). Differences in approaches by the police when interviewing suspects (in comparison to victims) may also be a factor complicating interviews with interpreters as well. For instance, interpreters may see themselves as being “on the side” of the police and could thus present a bias when assisting in interviews with suspects. While this is an important factor to consider, due to the paucity of empirical evidence within the field of research on IAIs, exploring the differences between suspect and victim interviews at this stage was not considered feasible. Instead, this thesis examined IAIs as a cohesive body, without distinguishing individual differences between suspect versus victim interviews. After all, the aim of every investigative interview, regardless

of the status of the interviewee (whether victim, witness or suspect) is to gain comprehensive and reliable information (Walsh, Milne, & Bull, 2015). Such positioning is reflective of the matter that all interviewees are, to one extent or another, witnesses to the incident (indeed in a homicide the suspect may be the the only living ‘witness’ able to provide a verbal account of the critical episode. It is still noted, however, that examining if there are differences when considering the status of the interviewee is a gap which should be explored in future research.

The use of interpreters in investigative interviews was assessed through the lens of serious and complex crime. This research seeks to develop a coding framework which assesses interpreting quality in legal settings, identifying interpreting errors in legal settings and their seriousness with respect to the impact on the investigative process. This thesis gathers information on first-hand experiences of emotion during investigative interviews from both police officers and interpreters, including their current practices and beliefs about interpreter-assisted investigative interviews. Historical police data sets of interviews conducted with non-native speakers (when interpreters are present) were used in conjunction with experimental research to enable a fuller understanding of emotional bias. These aims are examined in the following chapters through a series of four studies, with each study targeted at informing the approach and design of the subsequent studies.

Ethical approval was sought and obtained for all studies contained within this PhD thesis, with the exception of Study One (detailed in Chapter 3). As the data collected and analysed for Study One was already in the public domain, there were no ethical considerations involved in analysing the data. For all other studies, the study design, associated risks, and ethical considerations were outlined in a proposal before data collection began. The ethics proposals were submitted and peer-reviewed by the ethics committee at De Montfort University. Data collection commenced after ethical approval was obtained (see Appendix 1 for all ethical approvals).

The majority of the existing literature focuses on the use of interpreters in the courtroom, and thus the first study of this PhD will examine the impact and perception of interpreters in the courtroom. Government policy on sourcing interpreters for legal settings was altered in 2011 to meet increased demand for interpreting services, but it is believed that the policy changes have negatively impacted the quality of interpreting provided (Gallai, 2012). Using the Lexis®Library database, over 3,000 legal cases from 2007 to 2016 were collected for analysis to examine challenges and changes to legal interpreting in England and Wales. Findings suggest that after the instigation of privatised legal interpreting services in 2011, there was a significant increase in the number of cases in which the quality or accuracy of the interpreting was questioned, with an additional increase in the number of successes in questioning interpreting accuracy. Thematic analysis of judges' perceptions of the role and quality of the interpreting was also conducted, and emerging themes identified issues surrounding interpreter bias, assessment, and credibility, demonstrating how judges understand the importance and value of a qualified interpreter.

The First Study demonstrated that discrepancies between interview and courtroom testimony impair legal proceedings and highlighted the lack of understanding of the impact by criminal justice professionals. Interpreter-assisted investigative interviews were examined to build on these findings, as the interview is the first introduction of interpreter influence on the investigative process. In Study Two, the current procedures and experiences for interpreter-assisted investigative interviews in England and Wales were examined, with a focus on emotion as a potential influencing factor for interpreting accuracy. A sample of 120 police officers and 141 interpreters in the UK completed a self-administered questionnaire about their perceptions of whether (and how) conflicts in communication are constructed and controlled within the different phases of interpreter-mediated investigative interviews. Thematic analysis enhanced the information derived from the statistical results, and three areas of conflict

pertinent to impartiality were identified: role, trust and emotion. Differing assumptions between the two professional groups about the roles of police officers and interpreters, and the respective differing expectations, appear to create barriers in the achievement of trust and in the working relationship between investigators and interpreters. These barriers affect the aim of interpreter-assisted investigative interviews (IAIIs) (i.e. to gather reliable information) and alter the interview outcomes. In addition, both police officers and interpreters indicated that they have strong emotional experiences during IAIs; however, neither group stated that they made conscious efforts to engage in coping strategies.

Based on the findings from Study Two, it was theorised that police officers might alter their interview style when working with interpreters. It was further hypothesised that instances where interpreters had to engage in emotional dissonance behaviours (e.g.; when interpreting emotional content) would cause more interpreting errors compared to those instances where emotional dissonance was argued to be much less an issue if one at all (as the investigation concerned more neutral matters). Thus, Study Three assessed the frequency of interpreting errors during emotionally traumatic interviews and broke new ground by examining the quality of the interview in accordance with recommended guidelines, both in the original utterances from the officer and the interpreted utterances. Authentic interpreter-assisted investigative interviews with victims and suspects from England and Wales were collected and assessed. Interview quality was assessed using the Griffith Question Map (GQM), and interpreting quality and accuracy was assessed using the Index for Legal Interpreting Errors (I-LIE), a novel tool developed for the purpose of this research. Analysis indicates that investigators ask significantly more questions in interpreter-assisted interviews compared to non-interpreted interviews and that significantly more of these questions are unproductive questions. Error analysis suggests that errors are more likely to occur during interviews with victims compared to suspect interviews.

The findings from the first three studies in this thesis indicate that (i) interpreting accuracy is increasingly being questioned; and (ii) emotional content is liable to affect the quality and accuracy of interpreted evidence. In the final study, emotional content and crime severity were manipulated experimentally. It was theorised that interpreters would make more interpreting errors when interpreting for highly emotionally traumatising cases. Participants acted as mock interpreters in IAIIs, with scripted actors portraying the investigator and interviewee. Emotionality of the mock interview was assessed through the Multidimensional Mood State Questionnaire (MDMQ) (Steyer, Schwenkmezger, Notz, & Eid, 2004). Each interview was transcribed and coded, using the GQM and the I-LIE (as in Study Three). The results suggest there is decreased interpreting accuracy when interpreting emotional utterances, supporting findings from Study Three. The results from Study Four break new ground by indicating that the interview accuracy is also affected by the complexity and severity of the crime being investigated, with significantly more interpreting errors of legal consequence being found in cases of serious and complex crime compared to volume crime.

Through these studies, this PhD demonstrates the complexity of using interpreters in investigations, both in the courtroom and in the interview room. The results of these studies are used to develop an empirical framework for research on interpreter-assisted investigative interviews, highlighting existing problems of bias, emotion, and expertise – both from criminal justice professionals (e.g.; police officers and judges) and interpreters. Finally, the empirical groundwork established by this novel research suggests a basis for improving interview techniques with interpreters, indicating directions for future research.

Chapter 2 Literature Review

Investigative Interviews

Investigative interviews are those involving victims, suspects, or witnesses of crime conducted by police officers. Interviews are an integral part of the investigative process, providing police officers with information essential to the progression of their investigation. Investigative interviews were formerly called interrogations in England and Wales, representative of an earlier era of policing that was focused primarily on obtaining confessions rather than gathering information. Confession evidence from suspects can be highly influential in the courtroom, as even after confession evidence is retracted or dismissed from evidence, it continues to have a significant influence on jury decision making (Costanzo, Shaked-Schroer, & Vinson, 2010). The focus on confession over quality of information led to several high-profile cases (e.g.; the Guildford Four, the Maguire Seven, and the Birmingham Six) in which individuals were convicted largely on the basis of their confession evidence. The interrogation tactics used to obtain the confessions were proved to be coercive and the convictions were repealed, but only after the men and women had served between 12 to 16 years in prison. Even in interviews with victims or witnesses, research has identified concerns with the influence of officers within the interview. Clarke & Milne (2001) found that 62% of interviewers in their sample were assessed to have only obtained a partial account from the interviewee, and a disproportionate percentage of interviews (84.5%) were conducted in a location other than a police station. Advances in the field of investigative interviewing has enabled reductions in the amount of influence police officers have on an interview, increasing the quality and quantity of information given during an interview (Clarke & Milne, 2001; Clarke, Milne, & Bull, 2011; Meissner, Redlich, Bhatt, & Brandon, 2012; Scott, Tudor-Owen, Pedretti, & Bull, 2014; Vrij, Hope, & Fisher, 2014; Walsh & Bull, 2011a).

The quality of information provided during an interview relies heavily on the memory

of the interviewee. Tulving and Thomson's (1973) early research on episodic memory (memory for personal events) investigated encoding and recall of memory, and sparked further explorations into the influence of external factors on memory encoding and retrieval. The encoding specificity principle developed by Tulving and Thomson (1973) postulated that memories encoded on numerous different "strands" dependent on what external factors are presented. This principle would suggest that memory for sound would be encoded and stored separately from visual memory. In accordance with the encoding specificity principle, memories should be recalled better if the conditions when the memory was encoded are present when the memory is recalled, which they are often not. Work by Elizabeth Loftus (and others) over the years has illustrated that memory is not only fallible but can be influenced by a number of external factors. For example, participants (exposed to slides of a car accident) were later asked to give details about the incident in a questionnaire following the slides. During the questionnaire, half of the participants were fed misinformation, and on subsequent recognition tasks, participants who had received the misinformation were significantly more likely to select images that contained misinformation in comparison to participants who had not received misinformation (Loftus, Miller, & Burns, 1978). Additional research on eyewitness testimony found that not only could witness testimony be influenced, but entirely false memories could be implanted with minimal interference (Loftus & Burns, 1982; Loftus & Hoffman, 1989; Loftus, Loftus, & Messo, 1987). As Loftus states in her 2013 TEDtalk:

"Many people believe that memory acts like a recording device. Memory works a little bit like more a Wikipedia page: You can go in there and change it, but so can other people."

In response to these issues, Fisher, Geiselman, and Raymond (1987) conducted a much-needed review of police interviewing in the late 80s, which revealed little cohesion in police officers' approaches to interviewing. In response, police training on interviewing skills was revamped

to align with the empirical research.

Cognitive Interview & Enhanced Cognitive Interview

A model of interviewing that has been proven (though largely in the laboratory) to overcome the problems with memory, noted above, is the cognitive interview (CI). A complementary interviewing method (discussed below), known as conversation management, can also be used to help overcome problems in interviews, such as a lack of co-operation from suspects. CI was developed by Fisher and Geiselman (1992) to reduce external influences and impact investigators had on witness memory, the CI uses four memory enhancing mnemonics based on the work of Tulving and Thomson (1973) to improve the quality of information gathered. Each of these mnemonics was developed on the basis of Tulving and Thomson's (1973) encoding specificity principle. The encoding specificity principles postulate that conditions present at the processing of sensory information influence subsequent memory encoding and retrieval. Tulving and Thomson (1973) hypothesised that retrieval of memory is enhanced if conditions present at the encoding are also present during the retrieval. The mnemonics are structured to mentally induce similar conditions in retrieval that were present at encoding, and in addition, provide multiple opportunities for memories to be retrieved along different trace pathways of episodic memory. Each of these mnemonics has been shown to significantly increase the amount of correctly recalled items without increasing the number of incorrectly recalled items, both with children and adults (Memon & Bull, 1991; Milne & Bull, 2002). The four basic retrieval mnemonics developed by Fisher and Geiselman (1992) were: (1) mental reinstatement of context (MRC), (2) report all (RA), (3) change order (CO), (4) change perspective (CP). Mental reinstatement of context (MRC) requires the interviewer to ask the interviewee to think about what they did on that day, and how they felt. Report all (RA) requires the interviewee to report everything they can recall, even partial details and details they may not consider relevant. Change order (CO) usually involves the interviewee recall

events in reverse order, and change perspective (CP) involves the interviewee attempting to recall the events from the perspective of another person in the event. The strict application of these mnemonics allows the interview to be led predominately by the interviewee, which reduces the amount of impact external influences (i.e.; the interviewer) can have on the interviewee's memory of events.

The original CI failed to address some issues encountered in the field, such as anxious witnesses and abrasive police interviewing strategies (Köhnken, Milne, Memon, & Bull, 1999). The CI was therefore modified, creating the enhanced cognitive interview (ECI), to include communication techniques from social psychology in addition to the memory techniques. The communication techniques involve general social communication building, such as not interrupting, building rapport, and allowing time to answer questions, in addition to advocating the use of open-ended questions and non-leading questions. The ECI increases the amount of correctly recalled details by 25-50% in comparison to the original cognitive interview (Memon, Meissner, & Fraser, 2010). Despite empirical evidence of ECI effectiveness, audits of police interviews show that officers rarely use all components of the ECI, and when they do, many mnemonics are administered poorly (Dando, Wilcock, & Milne, 2010). MRC, for example, has been lauded as one of most effective mnemonics (Memon & Bull, 1991), but police officers report that they use it infrequently as it is time consuming (Dando, Wilcock, & Milne, 2009). The CO mnemonic has received criticism due to its reduced effectiveness in children's testimony (Verkamt & Ginet, 2010), reduced number of correct items recalled and increased confabulations (Dando, Ormerod, Wilcock, & Milne, 2011). It has been posited that the struggle with CO is because children find it difficult to follow the CO instructions (Verkamt & Ginet, 2010). Removal of the CO and CP mnemonics have been found reduce the amount of time taken to conduct the interview, while still maintaining a high level of accuracy (Davis, McMahon, & Greenwood, 2005; Memon et al., 2010; Milne & Bull, 2002).

CI remains the backbone of interviewing throughout the world when attempting to gather reliable information. However, police questioning tactics have been broadly divided into two categories: information gathering models and accusatorial models (Kelly, Miller, Redlich, & Kleinman, 2013). On the one hand, accusatorial models are focused on obtaining confessions from guilty suspects (Hirsch, 2014; Inbau, Reid, Buckley, & Jayne, 2013; King & Snook, 2009). Accusatorial methods are also argued to contain tactics found to increase the likelihood of false confessions and interviewer bias (Clarke et al., 2011; Snook, Eastwood, & Barron, 2014) and as such are outside of the scope of this study (since the focus is on interpreter bias). In contrast, information gathering models focus on the quantity and quality of information given by the interviewee and reduction of interviewer bias (Clarke et al., 2011; Snook et al., 2014). One such information gathering model, introduced in England and Wales in 1992 (and increasingly throughout the world; e.g. Scandinavia, Australia, New Zealand etc.), is called the PEACE model.

Information Gathering

PEACE has five phases of interviewing (1) Preparation and Planning, (2) Engage and Explain, (3) Account, Clarify, and Challenge, (4) Closure, and (5) Evaluate. The purpose of the Preparation and Planning phase is to assess the aims and schedule of the interview. Interviewers are expected to plan out how they intend to conduct the interview, ensure support services are provided (e.g.; social worker, interpreter, legal counsel), and coordinate with secondary leads (e.g. secondary interviewers, intermediaries) as necessary. The Engage and Explain phase consists of two main aspects: rapport building followed by an explanation of the interview itself, including the purpose, roles of everyone in the interview room, and interviewee's legal rights. During the Account phase of interviewing, the interviewer can either use the cognitive interview (CI) or conversation management (CM). If using CI, the

interviewee is encouraged to provide a full narrative account of the event facilitated the interviewer through the use of open-ended, non-leading questions and the use of memory mnemonics (Fisher & Geiselman, 1992). As discussed above, the combination of rapport building and the memory mnemonics seek to reduce external influence on interviewee memory, as the interviewee guides the interview with minimal prompting from the interviewer, which in turn reduces the likelihood of misinformation.

CI is intended for cooperative interviewees, but, of course, not all interviewees are cooperative. For uncooperative interviewees, CM can be used. CM can be divided into three stages (1) interviewee account, (2) the police agenda, and (3) the challenge stage (Shepherd & Griffiths, 2013). The interviewee account is the same as would be seen in the CI, seeking to obtain a full, detailed account of events from the interviewee if possible. Next, the police agenda is the interviewer's opportunity to explore topics which have not been covered, which would have been established during the preparation and planning phase. The procedure for exploring these topics should be akin to the approach during the initial account: pose a question, probe for details, summarise, and move on to the next topic. After the interviewee has given their initial narrative, the interviewer should clarify and challenge (if necessary). Closed-ended questions may be used at this stage to clarify certain points that are unclear to the interviewer. This is also meant to be the interviewer's opportunity to challenge any information provided by the interviewee. As the PEACE model is an information-gathering approach, the approach to the interviewee is always initially to gain 'their side of the story' regardless of whether the interviewee is a suspect, witness, or victim (Milne & Bull, 1999). If the interviewee's account contradicts other evidence which has already been collected, or if the narrative is inconsistent, the interviewer can seek to clarify the suspect's account before challenging (if required) to allow the interviewee to explain the inconsistencies. As with all other phases of the interview, this should be approached in a non-accusatorial manner, with the object being to present the

interviewee with the information the police possess, and give the interviewee the opportunity to comment. Interviewers are encouraged to complete all phases of CM, as even interviewees who choose not to answer most questions (i.e.; reply “no comment”) may choose to answer other questions as they are asked. The fourth phase of the PEACE model, Closure, is largely to review the information provided by the interviewee during the Account phase. The interviewer summarises the entire account given by the interviewee and allows the interviewee to confirm that everything contained in the summary is correct. The interviewee should also be given an additional opportunity to add any information they have not already stated previously. Evaluate is the final phase. In this phase, the interview itself is concluded and the interviewer either receives feedback from a superior, secondary interview or conducts a self-evaluation.

The PEACE model is the prescribed model for use by police officers in England and Wales, but adaptations of this model are also used in Australia, New Zealand, Norway, and it has recently been adopted by the Royal Canadian Mounted Police (RCMP) in Canada (Kelly, Redlich, Evans, & Meissner, 2014). PEACE closely follows the strategies developed for the cognitive interview, and aims to increase the amount of information given by the interviewee while simultaneously reducing confabulations or undue influence from the interviewer (Clarke et al., 2011; Clarke & Milne, 2001; Fisher & Geiselman, 1992). The PEACE model was developed largely in reaction to the Police and Criminal Evidence Act (PACE; 1984), which instigated the requirement for suspect interviews in time to be audio or video recorded, enabling full audits of police interviewing practices to be conducted. While recording and auditing of interviews have helped increase PEACE standards of practice for police officers (Clarke & Milne, 2001), special measures for victims and suspects (e.g.; mental health, language services, etc.) have introduced additional persons (e.g.; psychologists, social workers, interpreters), and therefore sources of influence, into the interview room. One such role, the interpreter, has been relatively neglected within the academic literature.

Legal Interpreters

Interpreters.

Interpreters are increasingly in demand within the public sector. In an effort to meet these demands, the Ministry of Justice (MoJ) in the United Kingdom signed an agreement in August 2011 with Applied Language Solutions (ALS) outsourcing the vetting of court interpreters to ALS. The contract, which began in January 2012, was the source of significant controversy after a report by the National Audit Office (NAO) revealed that the majority of interpreters supplied by ALS neither had sufficient security clearance nor held appropriate accreditation (NAO, 2012). The MoJ's language services Framework Agreement provides a three-tiered classification system for interpreters (see Table 3.1 in Chapter 3 for full explanation), but the progress report provided by the NAO (2014) indicated that the MoJ had yet to implement an assessment system or conduct an independent review of quality standards. The most recent reports from the Ministry of Justice (2019) on the use of language interpreter and translation services show that the number of off-contract hires (i.e. interpreters not contracted through the aforementioned agreement) have increased. In 2018, there were 2,000 off-contract hires, and the most recent quarter in 2019 (July to September) showed a 37% increase in off-contract hires compared to the same quarter in 2018 – the highest number of off-contract requests since 2016. The increase in off-contract hires may compromise one of the fundamental issues faced when integrating interpreters into the CJS – obtaining a qualified interpreter – as off-contract hires require the individual hiring the interpreter to validate their credentials or qualifications if the interpreter even has any. According to PACE “Chief officers are responsible for making arrangements to provide *appropriately qualified* independent persons to act as interpreters and to provide translations of essential documents” (PACE – Code C, Section 13; emphasis added). However, the PACE code provides no guidelines to officers as to who can be considered “appropriately qualified”, meaning a police officer could

potentially use any person who speaks both require languages. It is a misconception that interpreting is a simple process, but the fact that friends and family members are still used to interpret on behalf of defendants in court despite research indicating reduced efficacy of such ad hoc interpreters suggests that it is still a prevalent viewpoint (Flores et al., 2003; Goodman-Delahunty, Hale, Dhimi, & Martschuk, 2015; Goodman-Delahunty & Martschuk, 2016; Grzybek, 2017; Hayes & Hale, 2010).

Police Guidelines for Interpreters

Police officers have no formal assessment of language available, and state that they use personal judgement to determine whether or not an interpreter is required (Kredens & Richardson, 2016). This is comparable to healthcare interviews, whereby the physician often proceeds with the assessment even if there is no interpreter present (Määttä, 2015). If the interviewee is sufficiently fluent in the language of the interviewer, it has been found that investigators increase the quality and quantity of information by interviewing the interviewee in their non-native language, however, this assumes that interviewers are able to effectively determine the language level of the interviewee (Grzybek, 2017). According to PACE (1984), interpreters must be called if requested by the interviewee, but only 69% of interviewees assessed to have between elementary and intermediate English language skills reported that they would request an interpreter for an interview in an English-speaking country (Ewens et al., 2016). Furthermore, police officers in the United States indicated that they more likely to seek and obtain interpreters when an interviewee has lived in the United States for only a few years; however, the language spoken and the interviewee's role (e.g., witness vs. suspect) did not affect decisions to request an interpreter (Shaffer & Evans, 2018).

Non-native language speakers are likely to have some knowledge of the language of the country in which they live, and want to prove that they understand what is being said by

conducting the interview in the host language, especially children (Salaets & Balogh, 2015b), but interviewees may accidentally impair their testimony if they are not aware of their inability to express themselves properly until later in the interview. Interviewees report that they feel they would say more if they were able to conduct the interview in their own language, and indeed studies which investigate the amount of information given in native versus non-native language find that interviews that take place in the interviewee's native language are shorter but have a higher proportion of conversation coming from the interviewee (Ewens et al., 2016). Furthermore, studies examining the difference in the amount of information provided in interpreter-absent interviews (i.e.; monolingual interviews conducted in the interviewee's native language) have found that significantly more details are provided in interpreter-absent interviews compared to interpreter-present interviews (Ewens et al., 2016; Vrij et al., 2017; 2018).

Allowing interpreters to conduct the interview independently and transcribe the information to the police officers after the interview sounds like an appealing alternative to conducting an interpreter-assisted interview. Interpreters report regularly being requested to conduct interviews in the absence of a police officer and, in some instances, even being asked to go to the address of the witness/victim and obtain a written statement (Mayfield, 2016). While this could in theory save time and money for police constabularies, interpreters are not trained in investigative interviewing tactics and are more likely to miss important details or use techniques that violate PACE. Furthermore, the amount of time saved is negated if subsequent interviews are required due to lack of information or ambiguity in initial statements taken by interpreters. Borrowing from the field of healthcare interpreting, it has been found that the need for interpreters increases the time and resources of practitioners. For instance, in a US study, patients who had a language barrier with their physician accounted for an average increase of \$38 USD and 20 minutes of the physician's time (Hampers, Cha, Gutglass, Binns, & Krug,

1999). Bernstein et al. (2002) also found that non-English speaking patients who did not receive an interpreter stayed in the Emergency Department for significantly less time, received fewer tests and were least likely to have intravenous (IV) therapy started despite having comparative acuity of illness to English speaking patients and non-English speaking patients with an interpreter. As such, quality and quantity of information remains, as in all PEACE interviews, a high priority for interpreter-assisted interviews, particularly in relation to the accuracy of statements rendered from one language to another.

Risks of Using Ad Hoc Interpreters

The immediate conclusion is that having any interpreter eases communication and strengthens police officers' ability to interview foreign language speakers. However, the effectiveness and the quality of the service provided by the interpreter is largely dependent on the quality of training the interpreter received. Interpretation is a professional skill and discipline, and untrained interpreters may increase the risks of inaccuracy and inconsistency in interpretation (Goodman-Delahunty et al., 2015).

Research on ad hoc interpreters in medical settings has shown that ad hoc interpreters are less accurate compared to professional interpreters. For example, Eytan et al. (2002) found that interactions which included professional interpreters were rated as having better communication than those with no interpreters or ad hoc interpreters. Furthermore, disclosure of traumatic events was more common with the use of professional interpreters (77%) compared to ad hoc interpreters (45%) or no interpreter (55%). The use of ad hoc interpreters with asylum seekers resulted in high reports of physical symptoms but significantly lower reports of psychological symptoms, which decreased the likelihood of their referral to psychological services (Bischoff et al., 2003). Moreover, 46% of all errors made by ad hoc interpreters had clinical significance, which may potentially cause the patient to be more ill (Kilian, Swartz, Dowling, Dlali, & Chiliza, 2014). While there was no significant difference in

the number of errors made by professional compared to ad hoc interpreters, ad hoc interpreters were more likely to make errors of medical consequence (i.e., errors which potentially altered the diagnostic history, diagnostic interventions, etc.) compared to professional interpreters (Flores et al., 2003).

Ad hoc interpreters are more likely to make errors due to deficiencies in language, particularly around medical knowledge (Marcos, 1979). Precision in interpretation is of particular concern for psychiatric and psychological settings, as distorted speech can be indicative of thought disorders (Drennan, 1996), but ad hoc interpreters tend to summarise distorted speech, and therefore impede diagnostic evidence (Marcos, 1979). Adequate language concordance (i.e.; the presence of a trained interpreter or nurse fluent in the interview language) was associated with greater symptom reporting in asylum seekers. Asylum seekers who had no interpreter present had fewer reports of psychological (18%) and physical (18%) symptoms compared to asylum seekers who had a professional interpreter present (25% and 32% respectively). The use of ad hoc interpreters was associated with higher reporting of physical symptoms (26%) but significantly lower (16%) psychological symptoms (Bischoff et al., 2003).

Definition and Modes of Interpreting

There are two main modes of interpreting: (i) simultaneous interpreting, and (ii) consecutive interpreting. In simultaneous interpreting, the interpreter transmits the utterances almost immediately following the original speaker, interpreting while the speaker continues to speak. The interpreter is thus usually about “half a phrase behind the original speaker” (Edwards, 1995, as cited in Grzybek, 2017, p. 27). Simultaneous interpreting is not typically used in investigative interviewing outside of sign language interpretation, as simultaneous interpreting usually involves the interpreting sitting in an isolation booth (Seleskovitch, 1978), and this would usually require specialised interpreting tools to transmit. Simultaneous

interpreting is more common in courtrooms, also known as whispered interpreting, where the interpreter provides interpretation in a lower voice. Simultaneous interpreting is also not the preferred method for investigative interviews as the interviewee and interpreter speaking at the same time distorts the ability to distinguish individual speech on the interview recording and would compromise the evidential standard of the recorded interview.

Consecutive interpreting differs, in that the interpreter waits for the speaker to complete their utterance before interpreting the message. This allows more time for the speaker to finish their thought and does not involve the interpreter speaking while the original speaker is still talking (as is the case with simultaneous interpreting). Consecutive interpreting thus arises as the preferred option for investigative interviewing as it allows for better capture of evidential information. Whether consecutive is more accurate when compared to simultaneous interpreting has been debated. For example, Gryzbek (2017) discusses that both consecutive and simultaneous interpreting each have different advantages and disadvantages. That is, while both forms of interpreting require excellent working memory⁴ for the interpreter (Mahmoodzadeh, 1992), the cognitive processes for simultaneous interpreting are thought to be even more intensive as the interpreter must retain and recall information concurrently. In contrast, the consecutive interpreter is able to make notes while retaining information which they can then subsequently recall. The hypothesis that greater cognitive resources are required for simultaneous interpreting, which in turn decreases the accuracy of interpreting, has largely been supported by Russell (2002; 2005). In those studies, she found consecutive sign-language interpreting to be more accurate in comparison to simultaneous sign-language interpreting, and this finding has also been reiterated with spoken language in Gryzbek's (2017) research, which also found that consecutive interpreting was statistically significantly more accurate (92% accuracy) when compared to simultaneous interpreting (87% accuracy). The research

⁴ *Working memory* is a term developed by Baddeley (1986), which refers to the theory that memory has a limited-capacity when performing cognitive tasks that require simultaneous storage and manipulation of information.

contained within this thesis focusses on consecutive interpreting, as not only is this method of interpreting generally considered to be more accurate, but it is also the method that police officers request interpreters to use in recorded interviews.

Language Limitations & Complexity

Whenever information is transmitted from one medium to another, there is some loss of information. With interpreting, it is often impossible to directly render a statement from one language to another, as literal “word-for-word” renditions do not always capture the semantic meaning of the statement. Interpretations that change the meaning of the original speech, whether through changes in wording or emphases, are commonly referred to as interpreting errors. Even experienced interpreters will make errors in their renditions that modify the original statements (Flores et al., 2003). However, not all interpreting errors are equal. Moser-Mercer, Künzli, and Korac (1998) created a ranking scale of interpreting errors in terms of the seriousness of error. Four items were categorised as meaning errors, in which the meaning was lost or changed through interpreting in some fashion. These included contre-sens errors (interpretations which state the opposite of the utterances by the original speaker), faux-sens (saying something different from the speaker’s intentions), nonsense (not making any sense), and imprecision (not capturing the full meaning of the utterance). Meaning errors were ranked as the most serious, as they alter the overall implication and understanding of the statement, followed by editorial errors (omission, addition, hesitation, correction) and then lexical errors (grammar, vocabulary), which were labelled as least serious (Moser-Mercer et al., 1998).

Findings from courtroom interpreting studies reveal that interpretations are often edited, and the content of the utterances within the bilingual interaction is not always accurately replicated (Angelelli, 2004; Aranguri, Davidson, & Ramirez, 2006; Hale & Gibbons, 1999; Nakane, 2008). While some interpreting errors are correlated with the knowledge and experience of the interpreter, increasing knowledge does not eliminate the occurrence of errors.

Lexical errors are likely to be related to a lack of knowledge or experience, but editorial errors are less likely to be basic lack of knowledge, as editorial errors are more likely to involve conscious decisions by the interpreter. Inexplicit or ambiguous language, such as in Korean or Greek when the subject or object is omitted from the sentence, is frequent in colloquial speech and usually requires context in order to garner meaning. The complexity of the information being interpreted also needs to be taken into consideration. When interpreters encounter inexplicit language, interpretations are derived based on the interpreter's understanding of the context rather than delaying communication by asking for clarification from the interviewee or waiting for the interviewer to ask for clarification (de Pablos-Ortega, 2019; Filipović, 2019; Lee, 2007). Sentence structure which includes multiple relative clauses can be particularly difficult to the interpreter, and may increase the likelihood of interpreting errors (Filipović, 2019). Language complexity should also be considered as a factor of language, as culture is intrinsically embedded in language. Migrant women, for instance, commonly cite culture as a reason for not reporting a crime (Erez & Globokar, 2009), and this can often be reflected in their native language. In Hindi, for instance, sexual acts, particularly those outside of marriage, are associated with cultural concepts of honour and shame. The Hindi language is reflective of this, and words associated sexual acts are often ambiguous or have implicit negative connotations (e.g.; Hindi phrase for 'sex' more literally translates as "relationship between husband and wife") (Pande, 2013). Dependent on the culture, the words required to express the crime may be (i) inexplicit, or (ii) not exist.

Fatigue can also contribute to interpreting errors. Quality of interpreting has been found to drop after 30 minutes of non-stop interpreting, with the frequency of interpreting errors showing a steady increase between 3 minutes and 30 minutes before plateauing, followed by an additional increase in errors after 60 minutes (Moser-Mercer et al., 1998). Additionally, it was found that the biggest error increase was for meaning errors, which were considered to be

the most serious type of error. Furthermore, the interpreters in Moser-Mercer's et al. (1998) study were instructed to stop interpreting once they felt that the quality of interpreting “no longer met their professional expectations” (p. 53), but despite increases in interpreting errors across the board, experienced interpreters continued significantly longer than inexperienced interpreters. Within legal settings, small mistakes in interpreting can have a significant impact on the course of the investigation or trial, with different types of interpreting error having different levels of seriousness. Hayes and Hale (2010) found that courtroom appeals on the basis of interpreted evidence are accepted if the interpreter is deemed to be inappropriately qualified to the extent that it impaired the interviewee’s right to justice, or if the error in interpreting has resulted in a misrepresentation of material evidence. This is reflective of Flores et al. (2003) division of errors in healthcare interpreting, which differentiated between errors with potential clinical consequences (interpretations that misconstrue medical history, symptoms of illness, diagnostic or therapeutic interventions, etc.) and errors with no potential clinical consequence. Likewise, legal interpreting errors can impact the effectiveness of the interview, and subsequently have legal consequences later in court.

Interpreter Assisted Investigative Interviews

It is rarely possible to faithfully relay language and, as such, interpreters have to provide a more nuanced version, commonly replete with their subjective interpretations of the discourse (e.g.; Jacobsen, 2004). In these circumstances, it has been found that there are concerns voiced by police officers regarding the accuracy of the interpreters (Hsieh et al., 2010; Salaets & Balogh, 2015b). Without speaking the same language as the interviewee, police officers’ concerns about interpreting accuracy may be unfounded; however, if the concerns are genuine, there may be a serious impact on peoples’ ability to access justice (Lee, 2016), such as either a loss of evidence or inaccuracies in the evidence of victims (Roberts-Smith, 2009).

Maintaining the PEACE

The implementation of PEACE improved the quality and quantity of information derived during an investigative interview (Clarke et al., 2011; Clarke & Milne, 2001; Walsh & Milne, 2010), but if the recommended tactics of the PEACE model (such as appropriate questioning) are not maintained through the interpreted statements, the effectiveness may be lost. Communication techniques taught through PEACE, such as through the use of open-ended, non-leading, TED questions (Tell, Explain, Describe), aim to reduce interviewer bias and influence. However, linguistic analysis of interpreter translations of “how come” questions revealed that interpreters rendered the question with meaning-based interpretations (55%) or form-based interpretations (45%) (Lai & Mulayim, 2014). The meaning-based renderings changed the “how come” to a more accusatory “why” question, whereas the form-based interpretations used lexicology akin to “how come”. The semantics of the question remains the same in both interpretations, and can therefore be considered correct, but the intonation differs and therefore can alter the perception of the original speaker. Research by Keselman, Cederborg, Lamb, and Dahlström (2010) has found that interpreters do not consistently maintain the question type when rendering interviewee’s statements. With no strict adherence to form or meaning based renderings, communication techniques are liable to be, quite literally, lost in translation.

Rapport Building in Investigative Interviewing

Rapport building is another communication technique that is initially employed during the Engage and Explain phase of PEACE. Rapport building, at the outset of the interview, can involve establishing common ground through discussion of common interests (e.g.; small talk) or displaying empathy (e.g.; smiling, conveying courtesy) (Vallano, Evan, Comp, & Kieckhaefer, 2015). Evidence from health care interpreting indicates that verbal rapport building (e.g.; attempts by the professional to engage in ‘small talk’ or discuss neutral topics)

are often not interpreted (Flores et al., 2003). Furthermore, findings from Goodman-Delahunty et al. (2016) suggest that the verbal elements of rapport-building, when it does occur, is interpreted by professional interpreters, but much less so by non-professional interpreters. PEACE is intended to be applied to both suspects, victims and witnesses. Interviews conducted by the police in field settings with victims and witnesses tend to be performed less skilfully than those conducted with suspects (Clarke & Milne, 2001). Interpreters have reported being asked to conduct victim and witness interviews without the presence of a police investigator. It is not the role of interpreters to gather accounts from interviews (nor have they been trained to do so). Thus, it is felt very unlikely those investigative interviews would be satisfactory (Mayfield, 2016).

Culture & Conflict

The interpreter's background and culture have also been thought to impact on their ability to interpret. It is not uncommon for an interpreter to share the same cultural background as the interviewee. While the interpreter may not know the interviewee personally, there are potential conflicts of interest that arise from shared cultural experiences between the interpreter and interviewee. In an examination of Red Cross interpreters, Loutan, Farinelli, and Pampallona (1999) found that nearly all of the participating interpreters came from similar backgrounds to the clients they interpreted for, with nearly all participants indicating personal experience of difficult life circumstances, including 28% of which who were also exposed to major trauma (war, torture, detention, or injury inflicted by others) (as cited in Garcés, 2015). Qualitative research suggests that interpreters' personal experiences of trauma impact their ability to interpret effectively (Engstrom, Roth, & Hollis, 2010; Lor, 2012). In an account from one healthcare provider:

"An interpreter that I worked with once that started associating so closely—I'll say countertransference—was so close for them that they weren't able to answer for the

client anymore. They kept answering for their own, and the client was like, “No, I wasn’t in that prison. I was in that one.” But the interpreter was answering for himself.” (Engstrom et al., 2010, p.69)

This type of conflict of interest is less likely to be considered by the interpreter prior to their undertaking an interpreter role in an investigative interview. As noted above, Loutan et al. (1999) found that a high proportion of interpreters working with trauma victims have similar backgrounds and experiences themselves, and if the interpreter is from the same area in a foreign country as the interviewee, it is possible that (as in the instance discussed by Engstrom et al.) interpreters may confuse their own personal memories with those of the interviewee. A review of the literature conducted by Garcés (2015) suggests that interpreters find it difficult to maintain neutrality when conducting public service interpreting, but there is no research exploring how this impacts their ability to interpret. Evidence for conflicts of interest relating to personal or emotional experiences of the interpreter is found only in qualitative research, but this cannot be translated to a wider demographic without support from quantitative studies.

Emotion and Bias

Emotional Dissonance

The cultural background and personal experiences of the interpreter touch on another important area of consideration: emotional affect. As mentioned above, interpreters are expected to maintain a neutral stance over the course of an interview, but legal interpreting can be particularly emotionally evocative (Garcés, 2015). Interpreters must engage in emotion management to remain neutral. Emotion management is a process, which involves an attempt to change the quality or the intensity of an emotion. This has been operationalised by Hochschild (1979) as “emotion work”. Criminal acts are more likely to involve an absence of emotion work, as poor emotional control is frequently linked to risky decision-making and increased antisocial behaviours (Bechara, Damasio, & Damasio, 2000; Herpertz et al., 2001;

Leone, Perugini, & Bagozzi, 2005). Emotion work performed as a product of paid work is referred to as “emotional labour” (Kruml & Geddes, 2000). Hochschild’s (1979) initial work discussed some of the difficulties that airline stewardesses found when trying to maintain an outwardly pleasant and happy demeanour, while internally coping with distress over unpleasant customers. Kruml and Geddes (2000) sought to update the literature on emotional labour and created a 63-item questionnaire based on Hochschild’s original interview questions, which were distributed to people employed in the service industry. Factor analysis revealed two strong factors associated with emotional labour (1) emotional dissonance, and (2) emotive efforts.

Emotional dissonance occurs when a person’s internally felt emotions differ from their externally expressed emotions. This is a common side effect of emotion labour, as service professionals are required to be cheerful and helpful towards their customers, but they may not always wish to be. Ultimately, emotional dissonance is detrimental to psychological well-being, as it has been associated with emotional exhaustion, increased turnover, negatively affectivity, and workplace dissatisfaction (Karatepe & Aleshinloye, 2009). Furthermore, emotional dissonance has significantly positive correlations with emotional demands and cynicism for nurses and police officers, and was negatively correlated with job performance for police officers (Bakker & Heuven, 2006).

Bakker and Heuven (2006) proposed a model of occupational burnout which suggests that emotional labour increase the likelihood of burnout, mediated through emotional dissonance. Burnout occurs when an individual becomes emotionally, physically, and mentally “tapped out”, usually as a result of constant stress, and is characterised by three core factors: (1) emotional exhaustion, (2) depersonalisation, and (3) reduced sense of personal accomplishment (Maslach & Jackson, 1981). According to Bakker and Heuven's (2006) model, emotional job demands increase the amount of emotional dissonance experienced, which in turn increases the likelihood of experiencing burnout. Although most professions require some

level of emotional labour, the emotional demands for some professions are thought to be significantly higher than others. For example, many public administration professionals (e.g.; doctors, nurses, fire fighters, police officers, public health, public education, family and child services) engage in high levels of emotion work, as they are exposed to emotionally demanding interpersonal interactions on a near daily basis, including death, injury, violence, victims of serious crime, accidents, and trauma. The application of Bakker and Heuven's (2006) model would imply that, due to the increased emotional demands, individuals in public administration professions are more likely to experience burnout if they experience emotional dissonance.

Emotional Bias

As with many issues in mental healthcare, emotional dissonance and occupational burnout are not always overtly obvious. People in emotionally demanding professions, like police officers, often use so-called 'gallows humour' as a coping mechanism for the stress they experience, which could be mistaken for cynicism or another sign of occupational burnout and deflect attention from those who are experiencing significant impacts from their work (Powell, Cassematis, Benson, Smallbone, & Wortley, 2014). Emotional states can have a significant, if subtle, impact on human behaviour. Numerous studies have found that emotion changes peoples' behaviour. For instance, people who were primed to have negative emotional affect drank more beer compared to people primed to have positive or neutral affect (Zack, Poulos, Fragopoulos, Woodford, & MacLeod, 2006), and recalled emotion words significantly better than neutral words (Williamson, Harpur, & Hare, 1991).

Emotional affect has also been found to be relevant to behaviours in policing scenarios. Barkworth and Murphy (2015) found that emotional affect mediates the relationship between procedural justice and compliance, such that when people experienced negative affect as a result of their treatment by police officers, they were less likely to report a willingness to comply with the law. Interpreters are presented with difficult ethical and emotional dilemmas

when assisting with interviews (Loach, 2019). Interpreters can often be subject to negative or positive claims of conscience. Negative claims, as defined by Wicclair (2013), are instances where the interpreter does not to engage in an action that might harm themselves or the interviewee. For instance, an interpreter who refused to interpret for a sexual assault case because they felt they would not be able to cope emotionally. Positive claims are thus where the interpreter takes action beyond their expected professional role, such as explaining legislation independent from the prompting by either a lawyer or a police officer. The interpreters' own belief of their responsibility in the interview – whether as a conduit, mediator or advocate – then determines the course of action.

Research on confirmation bias in investigative interviews shows that police officers who believe the suspect to be guilty before beginning the interview ask more guilt presumptive and leading questions, which impact the answers provided by the suspect (Kassin, Goldstein, & Savitsky, 2003; O'Brien, 2009). The interviewer is then leading the interview in such a way that they are more likely to obtain the result that coincides with their preconceived belief. The same appears to be true for emotions. Observers' judgement of suspect's "likability" was found to correlate with evaluations of guilt or innocence, which suggests that bias can form from emotions (Evans, Charman, Pena, & Shaffer, 2016). If individuals are already under cognitive pressure through engagement in emotional dissonance, it increases the likelihood that their emotional state will impair their cognitive abilities, including their behaviours. Differences in cognition or behaviour caused by changes in emotional state have the potential to provide undue influence into the course of a criminal investigation, which would suggest the existence of an emotional bias.

Emotional Bias in Interpreter-Assisted Investigative Interviews

The introductions of PACE 1984 and then (later) PEACE interviewing represent a concentrated effort to reduce interviewer bias in the interview room, placing control back in

the hands of the interviewee. Despite these efforts, there are still issues for non-native language speakers in the CJS. Interviewees report being provided with interpreters who match their country of origin, or speak a similar dialect, but do not actually speak the language of the interviewee (Fatahi et al., 2010). Police officers cannot be expected to identify every language accurately, but it is clear that police officers lack sufficient guidelines on how to accurately identify the language and dialect spoken by the prospective interviewee or even how to assess an individual's proficiency in English (Kredens & Richardson, 2016; Mayfield, 2016). The development of the cognitive interview and its integration into the PEACE model has assisted in reducing the amount of bias in the interview room, both in field and laboratory research (Fisher, Geiselman, & Amador, 1989; George & Clifford, 1992; Köhnken et al., 1999), but bias cannot be reduced if police officers are ill equipped to work across language barriers and with different cultures.

When misunderstandings happen during an interview, the interviewee has the opportunity to correct them, but this can only happen if the interviewee recognises the misunderstanding. Errors in interpreting are unlikely to be discovered at the time of their occurrence, as the interpreter is typically the only person in the room that comprehends all parts of the conversation. Several case studies have exemplified the fact that interpreter errors can have a significant impact on the outcome of a trial or verdict (Hayes, 2009; Hayes & Hale, 2010; Lee, 2016), but appeals on the basis of interpreting are infrequent – to the extent they have been empirically researched in Australia, arguably due to the inability of legal professionals in bilingual cases to detect the inaccuracies. Submitted appeals are accepted on the basis of the judge's subjective assessment on what should be considered “adequate” interpreting (Hayes & Hale, 2010). In a homicide case in South Korea, the accuracy of the interpreting did not come into question until the appeal judgement was pending at the Supreme Court, despite the witness denying the validity of her interview statements during the court

proceedings. The original trial judge even cited excerpts of the - inaccurate - witness statement in their verdict (Lee, 2016). The number of interpreting errors that lead to miscarriages of justice is unknown, but it does suggest that non-native language speakers' access to justice is significantly impaired. It is currently unknown the degree to which appeals on the basis of interpreting occur within the United Kingdom.

Throughout the literature covered in the present analysis, the role of the interpreter is consistently challenged. As discussed by Hayes and Hale (2010), there is a prevailing misconception within the legal system that interpreting is a simple task. One Australian judge stated that legal interpreting "need not be at the very highest standard of a first-flight interpreter" (*Perera v Minister for Immigration and Multicultural Affairs* (1999) 92 FCR 6; [1999] FCA 507, as cited in p.8, Hayes & Hale, 2010). Arguably, legal interpreting is perhaps one of the situations in which interpreting needs to be of the highest standard, given the stakes. The concept that interpreting is simple or does not require high standards places the interpreter in the role of a machine, but language is not static. Language evolves over time and intonation, context, culture, and body language all contribute to the communication of a specific message (Jiang, 2000; Lustig, Koester, & Halualani, 2018). Interpreters exert cognitive effort to render statements from one language to another, and they influence the conversation in their choices as to how to communicate the original statement most accurately. It is evident from research on interpreting errors in court that even small lexical changes alter perception of the rendered statements (Hale, 2002; Lee, 2007).

Furthermore, as noted in a recent publication by Loach (2019) in the domain of interpretation in medical settings, it is becoming clear that interpreters are expected to assume more responsibility outside that of the mere conduit. The same concerns regarding the blurring of roles and expectations of interpreters in medical settings are bleeding into legal settings. Legal interpreters, both in court and in the interview room, need to be less as non-entities, but

rather more as active participants in the construction of information if non-native language speakers are to be given the full access to justice to which they are entitled.

Bias in the criminal justice system is problematic because it is often undetectable. People are not always aware of the influence their preconceptions have on their actions, as has been shown with unconscious bias research (De Martino, 2006; Kukucka & Kassin, 2014; Pickel, Warner, Miller, & Barnes, 2013). Preconceived beliefs about the guilt of an interviewee impacts the interviewer's actions, increasing the amount of coercive interviewing tactics used, which in turn increases the likelihood of both true and false confessions (Kassin et al., 2003). Preliminary studies by Evans, Charman, Pena, and Shaffer (2016) have indicated that, like police officers, interpreters' perceptions of suspects are affected by prior knowledge, such that interpreters rated perceived guilty suspect statements as more indicative of guilt compared to suspects they believed to be innocent or did not believe to be either guilty or innocent. The work by Evans et al. (2016) indicates that interpreters are liable to succumb to confirmation biases, but what has yet to be explored is the impact on interpreters' behaviour. As police officers alter their questioning tactics when interviewing guilt presumed suspects, interpreters may alter their interpreting techniques in response to a similar presumption. The behavioural impacts on interpreting have yet to be explored in the empirical literature.

Interpreters are emotionally and psychologically affected by the clients they interpret for, particularly in public service settings, which involve increased emotionally demanding interpersonal interactions. Interpreters report that they have trouble maintaining neutrality and are emotionally impacted by their clients (Garcés, 2015), and providers report similar experiences and beliefs, even though they only have knowledge of this from a third party observer (Hsieh et al., 2010; Lor, 2012; Splevins, Cohen, Joseph, Murray, & Bowley, 2010). Emotional stability has been insinuated as a possible predictor of interpreter competence. Bontempo and Napier (2011) assessed a sample of 110 accredited sign-language interpreters

in Australia on the Positive and Negative Affect Schedule (PANAS) and perceived interpreting competence. A significant relationship between emotional stability (as assessed by the PANAS) and perceived competence was found, such that increased negative affectivity was correlated with decreases in interpreter competence. Indeed, interpreter participants interviewed by Lor (2012) reported experiencing some form of change in their mood and behaviour that they felt they could not fully control, with interpreters reporting nightmares, crying, sadness, and physical tiredness as a result of their experiences. The interpreters in this study all had personal experience with war, violence, or torture, and many felt that they were reminded of their personal traumas when interpreting for others (Lor, 2012). It is proposed that interpreters are liable to experience emotional bias, in which emotional states elicited by their job influence their interpreting. Experienced interpreters who were asked to stop interpreting once they felt the quality of their interpreting had fallen below their own personal standards were found to continue significantly longer compared to novice interpreters, which suggests that experienced interpreters can be ignorant (or under-estimate) of their own shortcomings (Moser-Mercer et al., 1998).

While interpreters have reported perceived changes in their mood and ability to remain neutral, there is no research available that explores how interpreters believe this affects their ability to interpret or if interpreters employ any strategies to mitigate possible effects of their emotional state on their interpreting. If interpreters continue to be viewed as translation machines rather than engaged and active participants, it is unlikely that interpreters will receive the organisational or personal support they may require to mediate the impacts of public service interpreting on their psychological and emotional well-being (Awa, Plaumann, & Walter, 2010; Burns, Morley, Bradshaw, & Domene, 2008; Powell et al., 2014). Evidence from the emotional dissonance and occupational burnout literature suggests that interpreters are likely to experience negative effects on their job performance in addition to their mental well-being by

the high emotional demands of public service interpreting (Bakker & Heuven, 2006; Brotheridge & Grandey, 2002; Happell, Martin, & Pinikahana, 2003; Richardson, 2006), but there is no current research available that has explored the existence of interpreter emotional bias in interpreter-assisted investigative interviews.

Interviews with traumatised interviewees

Definitions in the literature for what constitutes a *traumatic* event are ambiguous. Within psychology, the commonly used definition is the outline of trauma given by the Diagnostic and Statistical Manual (DSM-5). The DSM-5 indicates that trauma includes “actual or threatened death, serious injury, or sexual violence” (p.271, American Psychiatric Association, 2013). This is supported by previous research, which has found that experience of Post-Traumatic Stress Disorder (PTSD) and PTSD symptoms were most commonly linked to crimes involving life threat, physical injury, and completed rape (Kilpatrick et al., 1989). The impact of trauma has been found to differ from one individual to another, suggesting that reactions or symptoms can be unexpected, transient, and/or sporadic (Risen et al., 2020). When conducting investigative interviews for criminality associated with trauma, there needs to be an awareness of the impact trauma has – not only upon the individual who experienced the traumatic event – but also the risk of secondary victimisation to others when such events are recounted (e.g.; police officers and interpreters).

Vicarious Trauma

While it is well documented and researched that experiencing a traumatic event can cause psychological distress, as seen with those who experience PTSD (APA, 2013), individuals do not need to experience traumatic events themselves to undergo psychological impacts directly. It has been found that constant exposure to the traumatic experiences of others, such as the experiences of those involved in serious crime, can have a significant impact

on an individual's mental health (Bakker, Demerouti, & Verbeke, 2004; Bakker & Heuven, 2006; Canfield, 2005). For instance, interpreters, who worked with refugees reported feeling heightened negative (and occasionally positive) emotions after interpreting (Splevins et al., 2010). In that study, the interpreters perceived themselves as being unprepared for the emotional demands they experienced as a result of their work, stating that they had not received appropriate training nor supervision of the mental health demands their work required.

Some of the earliest acknowledgements of the impact on professionals' mental health of being exposed to others' traumatic experiences come from the concept of "countertransference", which was first developed by Sigmund Freud (1910) in the context of psychotherapy. Freud theorised that over the course of a therapeutic relationship, the therapist would become emotionally entangled with the emotions and experiences of the patient. The therapist, having worked closely with the client, experiences the client's emotional experiences as their own and thus, there is a transfer of the emotional experience from the client to the therapist. Pearlman and Saakvitne (1995) developed the concept of countertransference in relation to therapists being frequently exposed to clients with difficult interpersonal relationships, repeated victimisation, and/or experiences of intense emotional experiences, such as trauma, which they referred to as "vicarious trauma" (VT; Pearlman & Saakvitne, 1995). Brown (1996) argues that the definition of VT goes beyond similar concepts, such as compassion fatigue or countertransference because it is created as a phenomenon that examines and affects the therapist's constructed worldview, naivety and sense of personal safety.

While VT has foundations in therapeutic relationships, it arguably underlies other similar working relationships. Policing, for instance, is commonly cited as a stressful occupation (Anshel, 2000; Carlier, Lamberts, & Gersons, 2000), which is at least partially attributed to the stress of the constant exposure to traumatic events. Similarly, public service interpreters typically work in either healthcare or legal settings, where the experiences of their

clients can range from short, civil interactions, to complicated, emotional and traumatic ones. Engstrom et al. (2010), for example, explored elements of possible vicarious trauma in interpreters through their work with torture treatment seekers (i.e.; individuals who have experienced torture and are seeking treatment as a result of trauma from their experiences). Therapists interviewed by Engstrom et al. (2010) reported that many interpreters they worked with were themselves, refugees, and torture survivors. The therapists felt that the interpreters brought their own unresolved personal issues and traumas into the interview with them. Interpreting for torture survivors was perceived in Engstrom et al.'s study by practitioners to cause interpreters to relive their own past traumas, and even develop VT through listening to the trauma survivors' stories. Given interpreters' role in conveying emotional expression on behalf of their client, interpreters may be at a higher risk of developing VT. The expression of meaning and emotion is particularly important for courtroom scenarios, as judges' use body language and emotional reactions to help them gauge the truthfulness of an appellant's case (DePaulo et al., 2003; Vrij, 1998; Vrij, 2000).

Recent literature has even suggested that individuals believe that cues to deception, including both verbal and non-verbal behaviours, remain the same regardless of whether the interviewee was either a native- or a non-native language speaker (Leach et al., 2019). It has been repeatedly shown that human accuracy at judging veracity is not significantly different from chance levels (Bond & DePaulo, 2006). Furthermore, both the expression of emotion and perception of non-verbal cues, such as body language, are not considered as reliable indicators of veracity (DePaulo et al., 2003). Yet research suggests that judges still use emotionality and body language as cues to truthfulness (Wessel, Drevland, Eilertsen, & Magnussen, 2006). Hale (2002) found that interpreters arbitrarily altered the intonation of their client's utterances, which subsequently impacted how reliable or credible they were perceived to be in court. As such, professional interpreters also report that they try to convey the emotionality of their

client's words in addition to the linguistic meaning (Hsieh, 2006; Hsieh et al., 2010; Hsieh & Hong, 2010). Interpreters conveyance of traumatic experiences on behalf of their clients suggests there is a high potential for interpreters to experience vicarious trauma.

Traumatic Complex Crimes

Organised transnational crime presents one of the biggest, and most difficult, threats to the United Kingdom. Not only are investigators dealing with victims of serious, complex, and often traumatic crimes, but may also be having to accommodate those whose first language is not that of the police. Perhaps the most salient example is modern slavery and human trafficking crimes (MSHT). While other transitional organised crime (e.g.; cyber-crime), also pose a significant threat to the United Kingdom and involve numerous foreign language speakers, Modern Slavery and Human Trafficking represents a highly pervasive and traumatic crime. The most recent report by the Global Slavery Index (2018) estimates that there are around 136,000 slaves in the United Kingdom involved either domestic servitude, labour exploitation, organ harvesting, or sexual exploitation. Research conducted with survivors of MSHT has found that survivors of MSHT commonly exhibit numerous symptoms or indicators of PTSD as a result of their experiences (Baldwin, Fenrenbacher, and Eisenman, 2015; Heffernan & Blythe, 2014; Hemmings et al., 2016). The problem of modern slavery and human trafficking has long existed within the United Kingdom, but there have been significant efforts in the last decade to reduce Modern Slavery and Human Trafficking (MSHT). The National Referral Mechanism (NRM) was introduced in 2009 amongst efforts to more effectively identify victims of MSHT. Indeed, the efforts of the Home Office through the NRM have seen significant increases in awareness of MSHT, which are exemplified through increased identification of potential victims of MSHT, from 1,186 potential victims identified in the NRM's first year to 6,985 in 2018 (HM Government, 2019).

However, identification is only the first step to bringing justice to victims of MSHT.

The United Kingdom introduced the Modern Slavery Act (MSA) in 2015 as part of national efforts to improve outcomes for victims of MSHT crimes, aligning with the United Nations goal of ending slavery in our lifetime. The MSA has been essential in collating legislature around MSHT and providing more definitive legal guidelines on MSHT as a crime, extended remit to prosecute offenders under the Act. Whereas the NRM has shown improvement in the identification of victims year over year, there has yet to be a similar improvement for prosecutions under the MSA – an issue highlighted in the latest annual report from the Independent Anti-Slavery Commissioner (2020). While there has been a minor increase in the percent of convictions for MSHT, from 65.1% in 2018 to 68.0% in 2019, the latest figures indicate that only 205 MSHT cases resulted in CPS charges in 2019 – a marked decline (30%) from the 293 charges in 2018 (Office for National Statistics, 2020). The improvement in identification is ineffective if these improvements cannot be brought to prosecution and conviction. The decreasing number of prosecutions despite the increasing number of identified victims is indicative of problems within the investigative process which needs to be addressed if outcomes for victims of MSHT are to be improved.

Victims of MSHT are frequently engaged in work where they are exploited, and the primary evidence of that exploitation can be the experience of the victims themselves. While the police can undertake prosecutions of exploiters without evidence from victims, their testimony can still be compelling in making the police aware of the extent of the crime. As such, statements provided by victims, witnesses, and even suspects are important. However, MSHT crimes frequently involve a large number of foreign nationals. For instance, the latest NRM statistics suggest that 90% of potential victims of MSHT are foreign nationals (HM Government, 2019); being often exploited for their vulnerabilities (McGregor Perry & McEwing, 2013). Such vulnerabilities may be a result of their language and culture, which can create further barriers to accessing justice, impeding the quality of the evidence they can

provide. In these contexts,

the role of the interpreter in the investigative interview can be critical. Indeed, it is not only the accuracy of the interpreter that is relevant but the bias and potential for corruption they present. The Oxfordshire Safeguarding Children Board (2019), at the advisement of an organisation supporting victims of trafficking, has recently put out a bulletin warning that criminal gangs may be recruiting interpreters to re-traffic victims. The risk is likely to be increased in complex and transnational crimes, where organised criminal gangs (OCGs) typically have extensive financial resources and connections. The interpreter thus becomes a crucial element, as s/he not only holds the key to unlock leads and evidence for an investigation, but also is an additional risk for possible exploitation.

Conclusions

Research on interpreting has tended to focus on courtroom and healthcare interpreting, and as such, the basis for the current programme of research built upon these contexts to establish sufficient academic grounding. Deviating from previous literature, this thesis breaks new ground by investigating the impact of interpreting services across the judicial setting, from initial police interviews, through to the lasting consequences within the courtroom settings. No literature, to the knowledge of this researcher, has established the judicial impacts and consequences of interpreting services in legal settings within England and Wales – whether used in the courtroom or during earlier police interviews. Judicial consequences from the courts in England and Wales present a foundation to investigate emotional bias in interpreters in investigative interviews, as not only is this often the starting point for many criminal investigations, but judicial outcomes can be altered by discrepancies between earlier police interviews and later courtroom interpretations. The goal of this thesis is to enhance the limited existing empirical research, shed new light on the practical implications of the findings for legal practitioners, and suggest future directions for investigative interviewing research.

Chapter 3 Study One – Interpreted Evidence

Police officers commonly report concerns regarding the accuracy and quality of interpreting in investigative interviews (Mayfield, 2016). The concern is an understandable one since inaccurate interpreting can have severe impacts on the course of an investigation and possibly affect the prosecution and conviction. However, since the necessity of an interpreter's presence in the interview suggests the interviewer has insufficient understanding of the interviewee's language, it remains elusive as to how justified such perceived concerns regarding inaccuracies actually are.

In a UK 2018 All Parliamentary Party Group on Modern Languages meeting at the House of Lords (at which the thesis author was invited to attend), it was queried by attendees as to how many interviews have prompted concerns regarding quality or accuracy of interpretation. No current research has explored this issue (nor is there data to hand). In order to improve the quality of interpreting in legal settings, it is vital to comprehend the current state of legal interpreting. Without understanding such issues, it is more difficult for policy makers to make improvements. Case examples are useful to exemplify the extent to which damage can be done, but without a broader examination of the issues, these cases can be dismissed as being the exception rather than the rule. This study seeks to explore how interpreted evidence is perceived within United Kingdom courtrooms, how frequently the quality or accuracy of interpreted evidence is called into question, and whether legislative changes have affected how interpreters are viewed within the legal system.

In 2011, the Ministry of Justice (MoJ)⁵ altered their policies on the provision of public service interpreting in the United Kingdom, opting to privatise the provision of interpreters,

⁵ Government department in England and Wales responsible for matters as administering criminal justice procedures and laws

with the aim of improving legal interpreting. The shift in policy was focused on reducing the costs of interpreting services and ensuring a high fulfilment when interpreters were requested. However, it is widely believed that these changes, instead, negatively impacted legal interpreting by reducing the number of qualified and properly vetted interpreters (Gallai 2012; NAO, 2012; 2014). If the provision of legal interpreters has indeed been impaired, foreign language speakers are likely to be disproportionately impacted in the legal system, as their ability to effectively convey evidentiary information hinges on the quality of the interpreter provided. Currently, the negative impact of legal interpreting is merely hypothesised, and has yet to be supported by empirical evidence, which might illustrate the impact poor quality interpreting can have on an individual's rights. While previous research has highlighted particular examples of poor interpreting having led to severe legal consequences, such the case discussed by Lee (2016) in which the misinterpretation of a witness' statement resulted in the defendant being convicted of homicide, this has not been explored in a substantive fashion. Research has instead relied on minimal case examples which are not necessarily representative (e.g.; Lee, 2016). Currently, little is known regarding how legal professionals understand the impact poor quality interpreting can have on an individual's ability to access justice.

Legislative Background

Under Article 5 of the European Convention of Human Rights (ECHR), anyone who is arrested "shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him". This is further elaborated in Article 6 of the ECHR, which states that all persons have the right;

- To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- To have the free assistance of an interpreter if he cannot understand or speak the language used in the court.

Directive 2010/64/EU of the EU Parliament and of the Council of 20 October 2010 stipulates how the right to translation and interpretation is implemented, and further outlines the need for a European Member State to bear the costs of interpretation and translation costs incurred for a European Arrest Warrant. Furthermore, interpretation is to be provided without delay, and suspected or accused persons have the right to have their legal counsel interpreted. The Directive takes Article 6 of the ECHR further by stipulating that

“when the quality of interpretation is considered insufficient to ensure the right to a fair trial, the competent authorities should be able to replace the appointed interpreter.”
(Article 1(26), Directive 2010/64/EU)

The difficulty of ensuring that the interpretation is sufficient lies within the ambiguous definition of what constitutes a competent interpreter. Article 1(17) of the Directive states that there should be “free and adequate linguistic assistance”, but no guidance is provided on what “adequate linguistic assistance” should be. The ambiguity around the word “adequacy” can be seen in the implementation of interpreter provision across the EU. While all European member states are required to provide free assistance of an interpreter, the provision and definition of legal interpreters/translators differ from country to country. The majority of European countries have some form of accrediting body; either through government certification or a separate accrediting body (Hlavac, 2013). According to Hlavac’s (2013) review of translation and interpreting certification in 21 countries, 38.1% ($n = 8$) of countries used a government certification process, and 28.5% ($n = 6$) required obligatory membership to an accrediting body. In the United Kingdom, the definition and provision of interpreting services were formally outlined in the National Agreement, originally drafted in 2001. The 2001 draft of the National Agreement was revised in 2007, after publication of the Home Office Circular 17/2006 (in England and Wales, the Home Office is the government department responsible for interior issues, such as policing). The revision emphasised the importance of ensuring the quality of

interpreting services. Through the influence of the Home Office Circular, the National Agreement (2007) modified the best practice procedures for obtaining interpreters in legal settings, stipulating that only appropriately vetted and qualified interpreters should be used in these settings. The National Agreement further stipulated that:

“the standard requirement is that every interpreter/LSP working in courts and police stations should be registered with one of the recommended registers, i.e. the National Register of Public Service Interpreters (NRPSI) at full or interim status (with Law Option) for non-English spoken languages, and, as full members, with Council for the Advancement of Communication with Deaf People (CACDP) for communicating with D/deaf people.” (National Agreement, Art. 3.3.1)

This addition placed the United Kingdom in the latter group of countries, which requires membership to an accrediting body without government certification. The new standard requirement meant that interpreters used in criminal investigations, at minimum, should be registered with an appropriate professional body. Gallai (2012) notes that the shift towards requiring registration represented steps towards recognizing interpreters as professionals and regulating the quality and security of public service interpreters. Explicitly listing NRPSI registration as a requirement meant that interpreters would be required to meet the professional standards and comply with the NRPSI’s code of conduct in order to work with police and in the courts. In order to be a fully-fledged member of the NRPSI, interpreters must have obtained a recent qualification from an accredited course that meets the National Occupational Standards for interpreting, which include assessment of ability to undertake interpreting assignments, ability to speak the language a complex level, and ability to prepare for interpreting assignments⁶. The qualification must include examination in interpreting (both

⁶ See National Occupational Standards in Interpreting published by the National Centre for Languages (2006) for full NOS for interpreting

consecutive⁷ and simultaneous⁸), translation, and sight translation (i.e.; provided with text to translate without preparation or material). Furthermore, the individual must have more than 400 hours of proven experience in public service interpreting undertaken in the United Kingdom (NRPSI, 2018). Interpreters may also apply for interim status, allowing interpreters who possess neither the qualification nor hours of experience to work towards full membership status.

The Framework Agreement

However, there were a number of administrative issues with the National Agreement. Though requiring NRPSI registration claimed to improve interpreting standards, there were a number of issues. The MoJ cited strong rationale for proposing a change in the legislation for interpreting services (outlined within the 2012 National Audit Office's (NAO)⁹ report): Firstly, in courtrooms, legal professionals would use out-of-date paper versions of the register (rather than search the online version) which meant quality and security could not be guaranteed, and would omit interpreters who had lost registration or recently gained their registration. It was also time consuming for legal professionals to search the NRPSI database for an appropriate interpreter, as it required the individual to go through the list of registered interpreters in the appropriate language until an available interpreter was found. Financial systems differed from court to court, and the lack of central management made it difficult or impossible to track interpreters and payments. Finally, it was found that a general shortage of interpreters impeded court proceedings.

In order to tackle these issues, the MoJ veered away from the National Agreement and developed a commercial Framework Agreement (FWA). The FWA no longer required

⁷ Consecutive interpreting occurs when the interpreter waits for the speaker to produce a segment of speech, and then subsequently renders the speech into the other language.

⁸ Simultaneous interpreting occurs when the interpreter renders the speaker's speech into the second language as the speaker talks

⁹ Government body responsible for ensuring probity and value in public expenditure in England and Wales

interpreters to be booked directly from the NRPSI register, and instead, the provision of legal interpreters was contracted out to a company called Applied Language Solutions (ALS). Through the FWA, provision and payment of public interpreting services were centralised through ALS. ALS was contractually obligated to fulfil 98% of all interpreting requests and could be financially penalised if they failed to meet this requirement. It was estimated that the FWA would save the MoJ approximately £18 million (GBP) over the course of the five-year contract (NAO, 2012).

However, it was widely felt that privatizing public service interpreting would have a negative impact on the quality of interpreting provided (Gallai, 2012). The concerns with the FWA mounted so high that the United Kingdom's National Audit Office (NAO) was contacted by whistle-blowers, UK Members of Parliament, and members of the public to perform a full audit on the provision of interpreting services in 2012. The audit assessed the MoJ's rationale for switching to the FWA and conducted an investigation as to how well the introduction of the FWA had combatted the issues raised within the rationale. The NAO (2012) report indicated that many ALS interpreters did not meet the minimum standards for accreditation or security clearance. The audit also revealed that only 305 interpreters of the 1,340 individual interpreters working with ALS were registered with the NRPSI. Through the course of the audit, it was revealed that the MoJ had assumed "registered" interpreters as per their agreement with ALS meant that they were registered with the NRPSI. However, ALS defined registered interpreters as individuals who had expressed interest in working with the company but had not yet undergone clearance (or quality) procedures. The 2012 audit revealed a number of flaws within the Framework Agreement, and in fact, interpreter fulfilment was found to have dropped from the previous year, which was attributed to reduced compensation for transportation costs for court interpreters (NAO, 2012).

Interpreter Quality & Qualifications

As Gallai (2012) discusses, the advantage of having a National Agreement, particularly one that used an accrediting body as its primary source of interpreters, was that it recognised a common minimum standard of interpreting that should be permissible in legal settings. The FWA, instead of requiring registration, introduced three tiers of interpreters: Tier 1, Tier 2, and Tier 3 (Framework Agreement, 2011). These tiers represent levels of interpreting experience, accreditation, and qualification – see Table 3.1 for a full outline of the requirements for each tier. The 100 hours of public sector experience was a significant step down from the NRPSI's required 400 hours of interpreting experience. Within the FWA, only Tier 1 and 2 interpreters are contractually qualified for Her Majesty's Courts & Tribunal Service (HMCTS); however, the NAO (2014) found an increased number of Tier 3 interpreters being used under the contract.

Evidence from medical and legal research concerning interpreters indicates that the experience and qualifications of the interpreter impact the quality of the interpreting provided (Bauer & Alegría, 2010; Flores, 2016; Flores et al., 2003; Kilian et al., 2014; Roberson, Russell, & Shaw, 2012a). Interpreting is subjective, as languages do not have a one-to-one correlation with one another, and interpretations are often edited with the content of the original utterances not always being accurately replicated (Angelelli, 2004; Aranguri et al., 2006; Hale & Gibbons, 1999; Krouglov, 1999; Nakane, 2009). Misinterpretations can be magnified when untrained or unqualified bilinguals are involved (Flores et al., 2003; Hale, Goodman-Delahunty, & Martschuk, 2019), due to shortfalls in proficiency in either the target language or legal vocabulary (Goodman-Delahunty et al., 2015). Hale, Goodman-Delahunty, and Martschuk (2019) conducted a comparison between untrained bilinguals, trained interpreters accredited by a Technical and Further Education (TAFE) college, and university-trained interpreters.

Table 3.1. *tiers as outlined in the Framework Agreement*

	Qualifications	Experience	Assessment centre
Tier 1	At least one of: Diploma in Public Service Interpreting (DPSI) (English law option) Certificate in Community Interpreting (CCI, the forerunner to DPSI) Metropolitan Police test with DPSI (Health or Local government options) or Hons. degree or higher in interpreting NRPSI registration membership of Association of Police and Court Interpreters membership of the Institute of Translation and Interpreting (Police Court Interpreter level).	At least 100 hours public sector interpreting experience	Pass at tier 1 standard
Tier 2	At least one of: the 'Partial DPSI' (English Law option), comprising all parts of the DPSI except written translation from English certain English and language-related degrees and diplomas. Plus: any degree exposure to criminal justice work in the UK or abroad.	At least 100 hours public sector interpreting experience	Pass at tier 2 standard
Tier 3	Demonstrable experience in the public sector with an appropriate linguistic background Formalised basic interpreter training.	At least 100 hours public sector interpreting experience	Pass at tier 3 standard

The results indicated that while both university-and TAFE trained interpreters performed better than the untrained bilinguals, university-trained interpreters still outperformed TAFE-trained interpreters. Furthermore, trained interpreters have been found to outperform their untrained counterparts in several important skills, including managing ethical dilemmas and turn-taking (Goodman-Delahunty et al., 2015). The FWA would appear then to enable potentially under-qualified (and inexperienced) interpreters entry into the courts, probation, prisons, and police stations, which are all instances where the accuracy of the interpreting needs to be extremely high.

Implications

The impact of interpreters on the legal system is still largely unknown. Interpreting errors are difficult to identify when they occur, as the speaker will not be able to detect changes made by the interpreter in the other language. Furthermore, Hayes and Hale (2010) found that courts commonly do not record either the presence of an interpreter or the interpreter's

qualifications, which suggests that these are not considered to be impactful factors on the legal process. This study aims to examine how legal interpreting services are perceived within the criminal and civil courts of the United Kingdom. Through a review of court cases within the United Kingdom, it is intended to investigate how changes to government policy on the provision of interpreting have impacted the justice system, and how language difficulties and the use of interpreters are perceived by legal professionals. The quality and accuracy of interpreting within the courtroom are examined after the implementation of the 2011 Framework Agreement. Furthermore, this study also examines how legal professionals understand the impact legal interpreting can have on the quality of an investigation and prosecution.

Method – Phase I

Participants.

The Lexis®Library database was used to obtain all available criminal and civil judgements in which an interpreter was involved between 2007 and 2016 within the United Kingdom. The aim was to examine if there was any impact upon interpreting quality as a consequence of the implementation of the 2011 Framework Agreement in which the MoJ switched from requiring legal interpreters to be registered with the NRPSI wherever possible, to a commercial agreement with Applied Language Solutions (ALS). Cases were categorised as being either pre- (2007 to 2011) or post- (2012 to 2016) the Framework Agreement. The legislation was introduced in 2011, and the analysis used 5 years either side.

The Lexis®Library was searched using the search term “interpreter”, limiting results to cases which went to trial between 2007 and 2016. The search returned 3,248 results. 94 duplicates were identified and removed from further analysis. Cases were then assessed using the following inclusion criteria;

1. Interpretation was required at some stage of the investigation (i.e. oral interpretation,

not written translation)

2. The case was brought to court between 2007 and 2016
3. The case was within the jurisdiction of the United Kingdom

A further 944 cases were removed as they did not meet the above inclusion criteria. Cases listed for inclusion were assessed a second time, with any additional duplicates removed. In those Appeals cases, where multiple appeals had occurred for the same case, only the latest appeal was taken. For instance, if a case were appealed in 2011, and then again in 2013, only the 2013 case would be included, as this was the highest level of appeal. The final total of cases identified for inclusion after duplicates and exclusion criteria were applied was 1,120. For the purpose of analysis, cases were only identified as being either civil or criminal. Each case transcript was then read and categorised as having “interpreting questioned” or “interpreting not questioned”. Cases which were categorised as “interpreting questioned” had to have one of the following queries raised either by the judge, appellant, witness, or lawyer;

1. An interpreting error was identified
2. The credibility of the interpreter questioned
3. Neutrality of the interpreter questioned
4. The quality or accuracy of the interpreting questioned (e.g.; stated that interpreter was not proficient at interpreting, interpreter using the wrong language, etc.)

After being selected for inclusion, cases were then coded for credibility assessments, which was classified according to whether the judge’s summation included any indication that the judge had taken the language/interpreting level into consideration when passing judgement. In order for a credibility assessment to be considered present, the summation merely had to include a statement from the judge which commented, either positively or negatively, on the language/interpreting level. Examples are provided in Table 3.2. All cases which were classified as “interpreting questioned” were classified as having a credibility assessment as

well, since if an issue of interpreting was raised, the judge necessarily had to comment on the validity of the claim. However, it was possible for cases in which the interpreting was not called into question to have had a credibility assessment by the judge. In these instances, the judge had commented on the language quality or credibility in some fashion.

Finally, cases which were classified as “interpreting questioned” were further coded based on whether the party questioning the interpreting was successful in their claim or not. Cases were coded as “successful” if the verdict sided with the party who had questioned the quality of the interpreting, and “unsuccessful” if the verdict was against the party who had questioned the quality of the interpreting.

Table 3.2. *Inclusion criteria for Lexis®Library cases*

Eligibility Criteria	Example
Language level mentioned/assessed	<i>"The defendant had limited/good knowledge of English" or "the defendant used an interpreter, but I could tell the defendant understood most of what was happening."</i>
Credibility of client using interpreter mentioned/assessed	<i>"I thought the witness was highly evasive and this went beyond language difficulties."</i>
Credibility/bias of interpreter	<i>"there was a question of whether the interpreter was biased, but this has been dismissed"</i>
Quality/accuracy of the interpreter	<i>"There were clear difficulties with the interpreter's knowledge." or "the interpreter was particularly excellent."</i>
Opinion on if interpreter required	<i>"The witness had requested an interpreter to be present, but we were able to proceed without an interpreter without any problems."</i>

Results

Out of the 1,120 cases, 84.4% ($n = 945$) of the cases were from the Civil Division (i.e.; all levels of courts in which all non-criminal cases are tried, such as family or immigration court), and 15.6% ($n = 175$) were from the Criminal Division (i.e.; all levels of courts in which criminal cases are tried). The coding resulted in 24.5% ($n = 274$) cases being categorised as

“interpreting questioned” and 75.5% ($n = 846$) cases categorised as “interpreting not questioned”. Of the 274 cases where the quality of the interpreting was questioned (218 civil and 56 criminal), only 35.4% ($n = 97$) were successful (83 civil and 14 criminal). There were 636 (56.8%) cases in which a credibility assessment was included, 85.7% ($n = 545$) of which were civil cases, and 14.3% ($n = 91$) of which were criminal. In the cases where a credibility assessment was identified, 42.8% ($n = 362$) were cases where the quality of the interpreting was “not questioned”.

A 2 (pre-framework agreement or post-framework agreement) x 2 (interpreting quality questioned vs interpreting quality not questioned) chi-square analysis was performed to determine whether the introduction of the framework agreement affected interpreting quality. To assess the reliability of the coded variables, a random selection of 20% ($n = 230$) of interpreting questioned and interpreting not questioned cases were assessed by an independent second rater. The second rater was provided with the coding criteria and examples (see coding criteria above and Table 3.2). Cohen’s kappa was run to determine the agreement between the first and second rater. There was high agreement found between raters ($\kappa = 0.905$, $p < .001$). There was a significant association $\chi^2(1) = 4.29$, $p = .038$, indicating an increase in the number of cases in which the quality of interpreting was questioned post-Framework Agreement (regardless of the case outcome). Further, a 2 (pre-framework agreement vs post-framework agreement) x 2 (case outcome: success vs failure) chi-square analysis was also performed to determine if the increase of the framework agreement affected case outcomes. There was a significant association, $\chi^2(1) = 4.24$, $p = .040$, indicating an increase in the number of cases where questioning the interpreting was successful post-Framework Agreement.

Method – Qualitative Analysis

In the preliminary data analysis, cases were coded in relation to whether the judge’s summation included an assessment of the language level or interpreting quality. While this

provided a basic overview of how many cases included an aspect of language or interpreting assessment, it lacks an understanding concerning what kind assessments are being made, or how criminal justice professionals understand the importance of interpreted evidence in a courtroom. As noted, the party questioning the interpreting were successful in only 35.4% of cases. Even after the introduction of the Framework Agreement, this only rose to 40%. While this suggests that criminal justice professionals may be more likely to dismiss evidence of inadequate interpreted evidence, there could be a number of other factors involved in the judgement. It is an interesting insight but provides a limited understanding of what is happening within the courts. In order to investigate the issues further, cases which were coded as having a credibility assessment were assessed using thematic analysis to provide a more accurate depiction of the issues of interpreted evidence in the court room.

Results

There were 636 (56.8%) cases in which a credibility assessment was included, of which 85.7% ($n = 545$) were civil cases, and 14.3% ($n = 91$) of which were criminal. There were 42.8% ($n = 362$) of cases in which a credibility assessment was present despite the quality of the interpreting not being questioned. Thematic analysis was conducted in NVivo using the method outlined by Braun and Clarke (2013). A constructivist epistemological position was taken when conducting the qualitative assessment. Constructivism is a school of epistemology which purports that knowledge and meaning about the world are formed through the interaction the physical world. Knowledge about the world is constructed through human experience but is also subject to negotiation through social interaction and meaning. Thus, statements taken from each court case were considered to be evidence of that speaker's understanding of the world, and therefore represented how the speaker made sense of the information that was presented to them. Each case was read and assessed to identify text relevant to the credibility assessment and generate initial codes. The thematic analysis of judges' summations resulted in

570 codes. These were grouped into 30 subordinate themes, which then organised into 5 superordinate themes. The five overarching themes identified were (i) language assessment; (ii) interpreter assessment; (iii) professional bias; (iv) reliability & credibility; and (v) relevance to appeal.

Language Assessment

The first theme identified was language assessment. This theme was largely expressed in relation to the perceived language level of the individual requiring an interpreter within the courtroom. Comments were frequently made regarding the language level of the person requiring the interpreter, whether the individual was either proficient or severely lacking in their English language skills. In the majority of cases included within this theme ($n = 269$, 59.6%), such comments were provided to the judge, by way of their explaining why the individual required (or did not require) an interpreter to be present. For instance:

“It is clear that he does not yet have a sufficient grasp of English to be able to communicate without full reliance on the use of an interpreter.” 2014 EWCA Civ 1519

Language assessment also appeared to be a function of how much the individual should be reliant on an interpreter. In some cases, it was expressed by the judge that, while the interpreter might be needed to explain technical or particularly complicated language, the presence of the interpreter was more of a formality if they encountered any particular difficulties in translation. Consider, for instance, the following case:

“the judge decided as a case management matter at the outset of that evidence that he should endeavour to listen to and answer each question in English and only if he had difficulty in understanding a question should he ask for it to be interpreted.” [2012] EWCA Civ 1776

The judge has made an assessment of the language proficiency of the individual requiring the interpreter. In the view of this judge, the language level of the individual is sufficient enough

to conduct the majority of the evidence entirely in English, and only if there is a “difficulty” should the individual use an interpreter.

Finally, language assessment was also expressed as a function of comprehension of the proceedings. It was expected that there would potentially be some difficulties in comprehension of the proceedings even despite the language barriers. For instance:

“The appellant had told him that he had only understood about 60% of the trial. However, counsel had not been troubled by that, given that this was not, he said, unusual even in cases involving an accused who was a native English speaker.” [2013] HCJAC 10

In this case, it was proposed that the lack of comprehension was related to a difficulty in interpretation and language barrier. However, as it is believed that even monolingual persons have difficulty understanding court proceedings, and it is acceptable for that the appellant does not fully comprehend the proceedings.

Language assessment was also presented through a lens of difficulties with the language used between the interviewee and interpreter. There are occasionally instances where the language of the interviewee is similar to the interpreter, but the dialect used is different. Take the example of this asylum hearing:

“It was submitted that the standard questionnaire given to the Applicant in connection with his refugee status application was in the Dari language, whereas the Applicant’s first language is Pashto. As the Applicant was unable to read or write Dari, the Applicant enlisted the assistance of another man from his hostel to write in the answers for him. The Applicant could understand some spoken Dari but he and the man who helped him had great difficulty completing the questionnaire.” [2010] IEHC 141

The applicant was assessed, incorrectly, as being able to speak Dari, and as such, struggled to complete the Dari form. Again, these alleged difficulties were often dismissed without much

thought. Consider the following extract:

“He had some difficulty with the interpreter because he speaks Dari and the interpreter spoke Farsi but he did not mention this difficulty at the interview. He confirmed that the notes did record correctly several things he remembered from the conversation.”

[2014] UKUT 00317 (IAC)

It is implied that the appellant should have pointed out the difficulty in the language differences when it first appeared, and even with the note that there were difficulties in comprehension due to differences in language, it is almost dismissed since the notes “did correctly record several things”. The use of different dialects or having an interpreter who differed in language or dialect was not perceived to be a significant disadvantage, and sometimes even counted against the appellant. For instance, in [2009] EWCA Civ 1410, it was stated that;

“although the appellant lived in Punjab he asked for an Urdu and not a Punjabi interpreter at his interview and hearing. Indeed, when asked what languages he spoke at his screening interview, he made no mention of Punjabi at all.”

Again, there is a dismissive tone regarding the language differences. It is not accepted that the difference between Punjabi and Urdu would be impactful, as the appellant lived in a Punjabi speaking area. The underlying perception from legal professionals was that they were able to determine what the language proficiency of the foreign language should be, even if the appellant voiced otherwise.

Interpreter Assessment

The second theme identified was interpreter assessment. Similar to the theme of language assessment, this theme explores how useful or effective interpreters were as part of the legal proceedings. This could be expressed as a function of how good or bad the quality of the interpreter was. For instance:

“The court is indebted to the interpreter, Mr. Ploumistos, for his skill and stamina.”

[2010] EWHC 1696 (QB)

Judges often expressed thanks towards interpreters they perceived to be particularly competent, usually in relation to how the interpreter helped make the legal process efficient and run smoothly. Assessments of interpreters were also provided in relation to how accurate the judge perceived the interpretation. This was also displayed both positively and negatively, such that a judge might state their belief in the accuracy of interpretation provided by an interpreter, which could be supported by a qualifying statement, but often was given in the absence of any qualifying evidence. When qualifying evidence was provided, it was frequently in relation to what had been presented in the context of the court. For instance;

“The judge's view was that the interpretation had been accurate and that there was no difficulty. There was never an objection by the defence, either then or at any stage, to the use of the interpreter” [2015] EWCA Crim 594

In this case, the judge qualified the accuracy or quality of the interpretation by the evidence that there were no objections by the defence. This is perhaps related to the difficulty of providing objective evidence of inaccurate interpretation. Without a recording or a second interpreter present, there is no way to empirically verify whether the interpretation was correct other than to ask the interpreter. As one judge noted;

“calling the interpreter as a witness would simply have resulted in the interpreter saying, doubtless honestly, that he or she translated what the police officer had said”

[2011] EWHC 2245

Although it was indicated that it would be difficult to assess the accuracy of the interpreting, legal professionals still considered themselves qualified to make judgements on this. For instance,

“Throughout the course of the hearing of the oral evidence, I have been concerned by the quality of the translation by 2 of the 3 interpreters at court who expressed fluency

in this language.” [2016] Lexis Citation 49

Although there is an expressed concern regarding the accuracy of the interpreter, there is no way for the judge to know that the interpreting is of poor quality. It appears that judges are making assessments concerning interpreter competence, though it is not known the reason for such judgments.

While less prevalent than other aspects of this theme, there was a recognition of the difficulties the court faced when using interpreted evidence in 17.9% of the cases identified as pertaining to this theme. This was sometimes expressed as an acknowledgement that interpreting itself was a difficult task. An example of this was the following instance:

“It is quite normal, when interpreters are working in a court or tribunal setting, to break more often than normal in recognition of the arduous nature of their task.”

[2009] UKEATS 0033/09/BI

Here, the judge recognises that when working with interpreters, there are more frequent breaks required than would normally be expected. There was generally a recognition that requiring an interpreter presented challenges to the courtroom proceedings, usually in regard to the monetary or time cost of having an interpreter present. This matter was also expressed through discussion of interpreter availability which often arose. That is, the lack of interpreter availability had caused delays to the court proceedings.

The Code of Practice relating to the Police and Criminal Evidence Act 1984, states that interpreters acquired for use in the criminal justice system are expected to be “appropriately qualified” (Code C, Section 13). This is of course, vague, and the right to an interpreter in court falls under the ECHR (see Legislative Background above), which also does not specify what the qualifications of the interpreter should be. There is evidence that some judges give consideration for what constitutes an appropriately qualified interpreter. In [2012] EWHC 356 (QB) the judge advised that

“A careful check should be made to ensure that there is full understanding between the child and the interpreter and that the interpreter is skilled in both the language and dialect of the child and has experience of interpreting in the kind of situation created by the age assessment process.”

Despite such requirements, it was found in this present study that the interpreters used within the courtrooms did not always meet the standards suggested. Those interpreters used were found to be occasionally ad hoc interpreters (such as family or friends of the individual requiring the interpreter). However, even professional interpreters were found sometimes to be labelled by legal professionals as either “inadequate” or “deficient” in their interpreting. Consider, for example, this instance where the appellant, who required an interpreter, was found to have corrected the interpreter in [2016] IEHC 551:

“the Yoruba interpreter made the error by referring to 'they' instead of 'he'. The appellant corrected the interpreter.”

Judges, lawyers, juries, and other individuals involved in the judicial process rely on the interpreter to convey the meaning of a defendant’s or witness’s testimony. However, they will likely be unaware as to whether such reliance is misplaced or not. It is thus concerning, as in the above example, when corrections of the interpreter are made by the person requiring interpretation. It should be noted that with the exception of when the interpreter was stated to be a friend or family member, the qualifications were not listed within the court documents. Thus, whilst it is likely this example relates to a paid interpreter, the level of their qualifications or experience is unknown.

Professional Bias

This theme examined comments which alluded to possible bias exhibited by either the judge or the interpreters themselves. It was found that judges provided personal opinions or statements about the individual requiring an interpreter, which suggested pre-existing bias. For

instance;

“On the material before us, Mr Abi-Khalil has lived in this country for 25 years. We cannot help remarking that in those circumstances, we find it surprising that an interpreter needed to be engaged.” [2017] EWCA Crim 17

While there could be a number of explanations for why Mr. Abi-Khalil had spent so long in the country without learning English, there was an underlying disapproval (or doubt) shown by the judges that he had not learned sufficient English. The language used by judges in relation to the individual requesting an interpreter indicated that they had pre-conceptions about individuals using interpreters, which were often negative:

“Again, I was a little surprised that he chose to give evidence through an interpreter as again he accepted that he spoke English to his wife at home.” [2014] EWHC 1972 (QB)

As in the previous instance, there is an indication of surprise from the judge. It may be questioned as to whether the judge is the use of an interpreter in such a context (when the individual speaks some English), is indicative of a level of deceit perpetrated by the defendant.

Interpreter bias was found in the present study to be expressed in a slightly different fashion. There were several instances found in which the interpreter was used as a witness and asked to give an opinion on an aspect of the case itself. For instance, it was not always clear whether these assessments were prompted or unprompted. In one case, the interpreter gave her opinion on what she perceived to be the child’s understanding of his parents’ situation in a residence dispute based on a prior interaction the interpreter mediated with a social worker. An extract of this is given below.

“[the interpreter] told me that she had been unable to gain any real understanding of K’s situation in Hungary or what he felt he would be returning to . . . she was able to ascertain that he appeared to believe that his mother wanted to take him back home.”

[2014] EWCA Civ 1519

It would be expected that the interpreter might provide evidence as to their interpretation of a particular word or phrase, but this was not generally the case, as in this example. It is unclear from the case summation if the interpreter was asked to provide this evidence or if she volunteered the information independently, however, it remains that the interpreter gave evidence on a subject which was outside of both their expertise and remit. There were also instances where interpreters provided assessments of an interviewee's country of origin based on their spoken dialect in immigration and asylum cases. For example:

"The Claimant did attend a telephone interview with the Algerian Embassy on 6th October 2010. The interpreter, who attended the interview, stated that he did not believe that the Claimant was Algerian, and said that his dialect was not that of an Algerian. Subsequently, the results of the telephone interview indicated that he was not Algerian." [2010] EWHC 3288

In other immigration and asylum cases, the interpreter is even involved in age assessments. In the following example, the interpreter is purported to have influenced the age assessment, presumably through the interpreter's comprehension of the individual's language level. It is again clear that interpreters are providing expertise outside their remit, which influences decision making processes in the legal proceedings:

"It is next argued that the Immigration Judge should not have proceeded to reach an assessment of age based upon a flawed age assessment report from social workers who it appears at least in part relied upon the opinion of an interpreter." [2013] EWCA Civ 271

Interpreter bias was also expressed through claims that the interpreter was purposefully misconstruing information or influencing the client. In *R v Foronda*, it was alleged by the Court Service interpreter that the PPS appointed interpreter had been "*dictating*" what the

complainant was to say". In other instances, it appears that such alterations suggested that the interpreter was reflecting their own emotions. For instance, in this case, counsel for the appellant raised concern about the interpretation accuracy:

"the interpreter had been toning down certain expressions which had been used in the course of the Crown case. This applied particularly to certain anatomical terms."

[2013] HCJAC 10

It was found in the present study that interpreters tempered or neutralised certain given testimony. The omission of say, anatomical terms might impact the trial through possibly creating ambiguities. For example, previous literature found that when an interpreter failed to interpret the word "vagina", the failure resulted in a mistrial, since the court could not establish if penetration had occurred (Jung, 1998). By neutralising or altering the language of the client, interpreters are allowing their own emotional discomfort to limit what evidence is presented to the court. The interpreter's personal limitations show an inclination against discussing sensitive matters (which are critical in rape cases), and as such constitute a form of bias, resulting in changes in interpretation. The changing of intonation and emotional expression suggests that the interpreter may be demonstrating an emotional bias by altering the tone, or even phrasing, when language evokes an emotional reaction from the interpreter.

Lastly, professional bias was found to emerge where bilingual individuals were recruited through the client, for example, a friend or family member, to act as their interpreter. Such ad hoc interpreters may be (perhaps, understandably) biased due to their pre-existing relationships with the 'client'. This was particularly problematic for the following case:

"...a point stressed by the applicant, however, was a claim that the interpreter used when PC White arrived was Mr Saberry, the alleged victim of the assault which had been the subject of the allegations in count 1 of the indictment" [2015] EWCA Crim

In this instance, the accused's ad hoc interpreter was, in fact, the alleged victim of the applicant's assault. Given such a context, it might be expected that the interpreter is somewhat biased. This also demonstrates an emotional bias, as the interpreter is allowing their own connection or emotions about the individual bias their interpretation of evidence.

The examples discussed here suggest that bias can come from multiple sources in the courtroom. Judges, in particular, may compound interpreter bias, as it is on the discretion of the Judge that interpreter bias is accepted or rejected. Such professional biases may impact the perceived reliability and credibility of the individual requiring an interpreter (a theme which is now discussed).

Reliability and Credibility

One of the main roles of a judge in a courtroom is to assess the credibility and reliability of the evidence presented to them. When presented with evidence in court, judges are required to assess which version of events appears to be more plausible and advise the jury accordingly or hand down a verdict as appropriate. The purpose of the earlier investigative interview conducted by the police is to gather information. However, it is in the courtroom when that gathered information is ultimately assessed for its reliability or credibility. That is, it is for the judge (or even the jury) to determine which evidence they have heard is credible. It was thus explored how judges appeared to perceive the credibility of evidence when given through an interpreter. It was found that there were some judges who, when hearing evidence given through an interpreter, stated that it impacted as to how well they were able to assess the credibility of the evidence. For instance:

“Unfortunately, in this case, one of the ways I would seek to assess the accuracy and reliability of a witness is to listen to the evidence that they give, to try and assess them as witnesses in the way that judges try and do using their experience they gather in the circumstances, but in this case both Mr Hanif and Mr Patel have each given evidence

through the benefit of interpreters.” [2016] Lexis Citation 576

Such revelations appear to suggest that receiving evidence through an interpreter was seen as hindering the judge’s ability to accurately assess the reliability of the witness’s testimony. Similarly, judges expressed that they might not be not rely on their usual channels of assessing credibility. For example, in a case where the judge was attempting to explain why discrepancies between different accounts had emerged:

“some aspects of the discrepancies between their respective cases might have been the result of differences of perception, differences of recollection or simple misunderstandings of the kind that can occur when a person is interviewed through an interpreter.” [2015] EWCA Civ 645

It is noted though that while such discrepancies might be mitigated by a judge, (as with the above example) at other times, the use of an interpreter was found to be more as an aggravating circumstance. Consider the following commentary from a judge in relation to a witness cross-examination:

“Even with a professional interpreter the process was difficult. On occasions during her cross-examination, it was difficult to determine whether she was being evasive or whether she genuinely did not understand what was being put to her.” [2008] IEHC

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In this instance, the judge discusses the difficulty of the presence of a professional interpreter but seems to suggest that the confusion displayed by the witness could be due to evasiveness.

Although there was some recognition by the judges that assessing reliability and credibility through an interpreter was difficult, many judges suggested that they felt they were able to assess reliability and credibility despite the language barriers. It was even indicated by judges that interpreters could be used as a tool by clever witnesses or suspects as a way to get out of providing sufficient testimony and blaming poor comprehension on language

difficulties:

“I am satisfied that the impression Mr Cherney tried to give, that he understood next to nothing until it was translated into Russian for him, was a false one, and that a more candid witness would not have affected such a high degree of incomprehension.”

[2011] EWHC 2156

It is interesting to note that while judges indicated they understood the necessity of an interpreter could impede the flow of evidence; judges still made assessments. Judges seemed to assume that they are able to see through this facade and determine when evasiveness is related to actual language or interpreting difficulties.

Relevance to Appeal

The final theme examined how relevant issues of interpreted evidence were to the case. This was largely in relation to how the judge felt an interpreting error or language difficulty impacted the trial overall. Within this theme, the timing of the evidence regarding the interpreting error or language difficulty was seen as important. Evidence of interpreting or language difficulties which were brought to the judge very late in the court of the proceedings were considered to be invalid claims. For instance;

“In those circumstances, either the ground has no substance at all or in reality if he did not understand matters he had ample opportunity to say something about it.” [2016]

EWCA Crim 1081

The judge thus dismissed the grounds of insufficient comprehension as the appellant had not brought the evidence forward in a timely fashion. It was perceived that if indeed such an issue occurred, there had been significant opportunity to earlier bring the issue forward to the judge, and the failure so to do indicated that the issue was inconsequential. There was found an apparent dismissive attitude exercised by Judges towards inaccuracies, stating that they could have, and should have been recognised earlier, if indeed an inaccuracy existed. One judge

stated that,

“[The solicitor] himself speaks Korean and could have corrected any perceived inaccuracies.” [2015] EWCA Civ 1226

There is an expectation that because someone else in the courtroom is able to comprehend the language, inaccuracies should be readily identified. However, even when conversing in the same language, people make comprehension errors that are not always (or quickly) identified. Even if another individual speaks the same language, there is no guarantee they will recognise the miscommunication when it initially occurs. In cases where the judge did accept that there was an issue with the interpreting or language difficulties, it was found that there was a secondary assessment made by the judge as to whether the interpreting difficulty had sufficient impact on the case to warrant accepting. This can be seen in the following case:

“although the issues of whether the applicant had an erection or had lied about this in his interview were not immaterial, the fundamental issues in the case were whether the applicant had sexual intercourse with R, and as to whether or not this was consensual.”

[2015] EWCA Crim 1477

In this case, the main point of contention was whether the applicant had lied about having an erection or if it was, as the applicant suggested an interpreting error. However, it was ruled by the judge that whether or not an interpreting error had occurred, it was irrelevant as this not a key piece of evidence in the case as a whole. Judges often accepted that an interpreting error had occurred ($n = 211$), but it was considerably less common for the judges to express the belief that the interpreting error had a significant impact on the case ($n = 20$). Consider this second example:

“There does appear to be some inconsistency but given that I am satisfied that [the controversial date] was misinterpreted I am not satisfied that this inconsistency fatally

undermines the Appellant's credibility." [2015] UKUT 656

There appears in this example that a key date was misinterpreted during the course of the trial. This is an appeal case, and therefore judgement on the appellant has already been passed once before. Judgements of reliability and credibility have already been made, factoring the inconsistency of the misinterpreted date into account. Yet, it is perceived to not "fatally undermine" the credibility of the appellant.

Case relevance was also found as considered in relation to the perceived comprehension of the appellant. This was, in some ways, an extension of the judge's language assessment, but hinged on whether the individual requiring the interpreter was able to comprehend what was happening in the court. It was often felt that merely having an interpreter present and able to provide interpretation was sufficient. As one judge stated: *"I had made quite sure that he understood the question by carefully having it explained to him by the interpreter."* [2015] EWCA Civ 491. While the judge may well be unable to verify that the individual understood the question, having the interpreter explain it to the foreign language speaker appears from this example to be equated with comprehension. Even when foreign language speakers expressed difficulties in or denials in understanding, these could be waived if an interpreter had been present:

"I reject the mother's denial that she never expressed such an intention. There can be no doubt at all about the mother's understanding of what was being discussed because there was an interpreter present throughout the discussion." [2016] Lexis Citation 578

This example again suggests that, regardless of the language or perceived misunderstandings of the appellant, the judge was able to assess reliability and credibility appropriately.

Discussion

In this study, the current state of interpreted evidence in the courtroom in England and

Wales was explored to understand further how frequently interpreted evidence is criticised in the courtroom, and whether, as Gallai (2012) has argued, there has been an impact on the quality of interpreting services by the introduction of the FWA. The results from the first phase of the study provide support for Gallai's (2012) hypothesis (i.e. that after the introduction of the FWA, interpreting services in the courtroom would worsen). That is, there were found significantly more instances where the quality or accuracy of the interpreting was questioned after the instigation of the FWA. In addition, as the number of cases where the questioning of the interpreting was successful also increased significantly after the introduction of the FWA, it suggests that the issue of interpreting quality and accuracy may be taken more seriously within the courts. This presents a concerning view for the future of legal interpreting in the United Kingdom. The findings concur with Hayes and Hale (2010), who found that judges in the courtroom lacked appreciation of the professional qualifications required by interpreters, and demonstrate insufficient awareness of the importance of language difficulties in the legal process.

Interpreted Credibility

When turning to the second phase of the study, interestingly, it was found that nearly half of the cases which were identified as having a credibility assessment did not have the interpreting questioned. This finding suggests that although the interpreting itself is not always raised as a point of legal contention, judges are still incorporating aspects of language and interpreting into their summary judgements. This was particularly evident within the theme of language assessment, as it was found that judges frequently voiced their opinion on the English language proficiency of the foreign language speaker. This aligns with previous research which found that police officers tend to use "intuition" to assess if an interpreter is required (Kredens, 2017). However, assessing language proficiency for use in a courtroom requires more than intuition. There are a number of tests which can be used to assess English language proficiency,

but these tests do not accurately portray the difficulties an individual might encounter when facing legal proceedings. For instance, in a sample of Polish language speakers, it was found that if the individuals had enough English language proficiency, they had better comprehension and provided better details when interviews were conducted in English than in Polish (Grzybek, 2017). Determining at what point the English language is “sufficiently proficient” can be exceedingly difficult, and it does not take into account the difficulties of legal jargon. As noted, there is an argument that interpreters who provide interpretation in legal settings should be required to undergo a legal interpreting course, as legal jargon can be difficult for laypersons to comprehend (Roberson, Russell, & Shaw, 2012a; 2012b; Russell, 2000; Salaets & Balogh, 2015a). If the legal professionals, who have no language expertise, deem that there is sufficient English language fluency, foreign language speakers may be at a disadvantage in comprehending legal terminology which they would be unlikely to encounter in their day-to-day lives.

This, of course, does not yet account for problems of dialect, which also arose within the theme of language assessment. There were cases in which the interpreter spoke a different dialect to the interviewee, but it was frequently dismissed as being a barrier to justice since there was sufficient comprehension of the proceedings. The issues highlighted within language assessment show strong linkage to issues identified within professional bias, as the preconceptions regarding language and dialect influenced legal professional expectations. Preconceptions from legal professionals are liable to impact their decision-making process, which is particularly salient when passing judgment in a legal setting (Malloy & Lamb, 2010). Yet it was found in the present study that legal professionals held preconceptions about language and interpreting. For instance, the surprise expressed by legal professionals when individuals who had lived in the country for many years required an interpreter suggest that the perceptions of that individual is likely to be negatively skewed. But of course, the majority of

such opinion of the foreign language speaker will come through the interpreter, where bias also found to be present. Instances where interpreters were alleged to be moderating language or dictating what the client should say suggest that interpreters insert bias into the investigative process by taking it upon themselves to determine what information is relevant or necessary. Regardless of interpreters' basis for forming the determination, whether from incorrect beliefs or prior experience, the conception that it is up to the interpreter themselves to moderate the information conveyed suggests that consciously or not, interpreters are influencing the transmission of information, and thus creating a biased presentation of information. Bias was also formed jointly between the judge and the interpreter. For instance, interpreters were sometimes asked to provide their opinion on aspects of the case. In these instances, the judge is enabling the interpreter to assume the role of an expert witness in providing evidence, and the interpreter is compliant in this by providing an answer.

Ultimately, the implication is that assessments are being made by legal professionals who are enabling their existing biases. Even in cases where the interpreting is not questioned, judges are inclined to make assumptions about language and interpreting, which are likely to impact the course of the trial.

Interpreted Queries

When the quality or accuracy of the interpreting was questioned, it was within a minority of the cases examined. Around a quarter of the cases in the sample included a dispute about the quality or accuracy of the interpreting in some way or another. It is within these cases that legal professionals' assessment of the interpreter becomes more critical. It is on the onus of the legal professional to determine whether the alleged deficiency of the interpreter is sufficient to impact the legal proceedings. Issues surrounding this first became evident within the interpreter assessment. It appeared that in cases where the interpreting was not questioned, it was more common for the legal professional to mention the interpreter only in passing, for

instance, to thank the interpreter for their assistance or to note that the interpreter was competent. When the quality or accuracy of the interpreting was questioned, it was still quite common for legal professionals to consider the impact of the inaccurate interpreting to be irrelevant.

As with language assessment, legal professionals felt they were sufficiently qualified to determine if the interpreter was appropriately qualified for their role, but what became clear from the interpreter assessment theme was that judges did not have an agreed understanding of what constituted competent interpreting. Ad hoc interpreters, which are largely found to be less competent than professional interpreters in the academic literature (Berk-Seligson, 2007; Flores et al., 2003), were permitted in place of professionals without question, and yet professional interpreters were still referred to as “inadequate” or “deficient”. It will be likely difficult for the judge to know whether an interpreter is performing their role appropriately, and yet legal professionals evidentially appeared to pass judgement on the quality of the interpreting. This matter became more important when examined through the lens of relevance to the case. Through this theme, some of the ways legal professionals justified their judgements of interpreting were examined. Judges stated that if an issue of interpreting or language was raised quite late in the prosecution, that it was likely to be either invalid or such lateness indicated deceit by the defendant. Furthermore, when interpreting errors were accepted as having occurred, legal professionals often indicated that the discrepancy was insignificant to the case. This aligns with Hayes and Hale’s (2010) study, which suggested that Australian appeals cases on the basis of incompetent interpreting were only accepted if the judge could establish that such misunderstanding had been so significant it undermined either 1) key evidence or 2) the defendant’s fundamental understanding of the proceedings.

The issue highlighted is that while legal professionals accepted that problems with language or the interpreter could hinder the course of the trial, there was a pervasive belief that

this could largely be overcome as long as other evidence was present or there was at least partial comprehension from the interviewee. This iterates the problem of reliability and credibility. There was a belief that if a discrepancy was related to a language or interpreting issue, as long as the legal professionals were aware of it, then it held little importance to the case itself. However, research on bias has found that once preconceptions of guilt or innocence have already started to form, they can be very difficult to eradicate (Tata, 2010).

Furthermore, although some judges indicated they would take the language barriers into account when assessing reliability or credibility of the individual, other judges appeared to disregard the use of an interpreter as a barrier when evaluating consistency. Research on monolingual consistency already indicates that consistency is a poor marker of truthfulness (Vredeveldt, van Koppen, & Granhag, 2014), and yet legal professionals still consider it appropriate to use perceptions of consistency to mediate credibility judgements (Reinhard & Sporer, 2008). Similar findings emerged in this study regardless of whether the individual is speaking through an interpreter. Foreign language speakers are, therefore, at a significant disadvantage within legal proceedings. Not only are there existing underlying issues regarding the difficulties of obtaining an interpreter and ensuring accuracy, if inaccuracies are addressed at a later day, they may be dismissed as being an irrelevance or considered to be evidence of deceit.

Interpreted Impact

As noted, in the majority of cases involving interpreters, the quality and accuracy of interpreting were not questioned. However, there was a significant increase in the number of cases where interpreting quality or accuracy was questioned in the five years following the introduction of the FWA compared to the five years preceding its introduction. This finding suggests that the FWA is associated with less effective legal interpreting services within the United Kingdom.

The results from the NAO audits in 2012 and 2014 would also imply that the increase in the number of cases where interpreting quality or accuracy was questioned may be associated with the decrease in appropriately qualified and/or vetted interpreters provided through the FWA. However, whilst the FWA could potentially have resulted in a decrease in interpreting quality, there is also the possibility that the NAO audits highlighted matters previously disregarded within the courtroom. Unfortunately, qualifications of interpreters are rarely recorded in legal proceedings; thus, at present, it is not possible to assess the individual impact of these factors.

Limitations

Although the data from the Lexis®Library is readily accessible, it is difficult to assess the actual number of court cases which have involved interpreters. The sample used in the present study represents only those cases publicly available on the Lexis®Library database. Since data protection laws will mean that not all cases will be publicly available; as such, there is likely to be an element of bias within this sample of cases. Nevertheless, the sample size was such that it might mitigate these shortcomings.

The present study has attempted to identify issues concerning quality and accuracy within legal interpreting, but, errors in interpreting may still go unnoticed, as awareness of interpreting errors when they occur can be exceedingly difficult to identify. Interviews with victims and witnesses are infrequently recorded, as police officers in England and Wales are only required to record interviews with all suspects (though certain interviews are also recorded, for example, those with vulnerable victims and witnesses, such as children). This means that for most witnesses and victims, interpreting errors that occur during an interview are not recorded and therefore unable to be assessed for their accuracy later in court.

Interpreting is considered to be separate from translation, in that interpreting involves the oral transmission from one language to another while translation is the written transmission

from one language to another. However, colloquially, interpretation and translation are often used interchangeably even though they require different expertise. Thus, although the database search looked specifically at interpreting, a portion of cases may have been missed out due to an alternative description of the interpreter. Within this sample, there were several cases where the interpreter was only mentioned within the list of persons' present, but otherwise not referenced. In a number of cases, there was little (or no) mention of the interpreter, except in the pre-summation recording of the persons present. In other cases, interpreters were mentioned in the body of the summation, but not listed as being present in the pre-summation record. As such, it is possible additional cases were missed from inclusion as the use of an interpreter was not properly identified. The lack of information concerning the presence of an interpreter does appear to support Nakane's (2009) concept of the 'invisible mediator'. That is, the findings reinforce those of Nakane as in the present study, evidence from the thematic analysis found that interpreters were commonly not perceived as either important or professionals.

Conclusions

The overarching conclusions in this study suggest that the status of interpreters as qualified professionals is not always reflected in court proceedings. Gallai (2012) argued that the National Agreement represented some of the first steps by the United Kingdom to portray interpreters as requiring a minimum standard of qualification, but from the assessment conducted in the present study, it appears that the recognition of interpreters as professionals is not widely accepted by judges and lawyers in the courtroom. The present study found that legal professionals are not always aware (or sufficiently aware) of the impact language barriers have upon the accessibility to justice. Despite not having sufficient awareness, judges feel they are competent in understanding language and interpreting issues based on their own experiences.

This study undertaken in this study provides insight into the issues of the provision of

interpreting services within the United Kingdom. The evidence suggests that using the NRPSI as a minimum standard will assist in improving the quality of interpreting within the United Kingdom, but even qualified interpreters do not always meet the minimum standards of the NRPSI. Hlavac (2013) stated that there are significant differences in the requirements of various interpreter accrediting bodies and over time, making it difficult to objectively determine interpreters' qualifications (and what the minimum requirements actually are). At present, police officers are only required to obtain an 'appropriately qualified person' to act as an interpreter within an investigative interview. The ambiguity of the term 'appropriately qualified', given the potential impacts unqualified interpreters can have on the criminal justice process, presents a risk that should not be ignored.

Furthermore, the recent rise in scrutiny by various bodies (e.g.; NRPSI, Association of Police and Court Interpreters, NAO) with regards to interpreting services in the courts seems to suggest that police officers, and the Ministry of Justice will be held accountable for improper interpreting services. If quality and accuracy are not assured from the initial stages of the investigation process, there is the risk that an increasing number of cases will fail to proceed to prosecution or conviction due to interpretation issues. This is already seen in crimes which involve high levels of foreign nationals, such as Modern Slavery and Human Trafficking, where the number of victims far outweighs the number of prosecutions or convictions (HM Government, 2019). There is then a need to restructure the current guidelines for procuring and working with interpreters if the United Kingdom is going to effectively provide access to justice.

Chapter 4 Study Two – Perceptions

The courtroom summations and judges' opinions analysed and discussed in Study One only occur at the end of the criminal justice process, but problems with interpreting can have an impact at any earlier point (during the investigative process). Just as the opinions of the judge influence the outcomes of the case, so too might the interpreter's experience and feelings affect their ability to interpret. There are two instances during a criminal investigation involving non-native language speakers where interpreters are most likely to be used. That is, (a) during a police interview between a police officer and a witness, victim, or suspect, and (b) in the courtroom. Evidence provided during police interviews is perceived to be crucial later in court (Jehle, Smit, & Zila, 2008; Pipe, Orbach, Lamb, Abbott, & Stewart, 2013). The present study seeks to explore the impact of interpreting at the earliest stage: in the interview room.

The limited amount of literature available concerning interpreting in legal settings has focused heavily on court interpreting (e.g. (Hayes, 2009; Hayes & Hale, 2010; Lee, 2016; Nartowska, 2015), leaving interpreting during police interviews in relative obscurity. That literature which does exist suggests that police interviews which use interpreters – hereafter referred to as interpreter-assisted investigative interviews (IAIIs) – face issues with impartiality (Houston, Russano, & Ricks, 2017; Salaets & Balogh, 2015a), a problem which is liable to be further exacerbated by conflict between expected versus actual experienced behaviours particularly in relation to the interpreters' emotional experience of the interview itself (Kiguru, 2010; Nakane, 2009). Through a survey of both interpreter and police officer perspectives, the present research explores three areas of conflict (conflict of role, conflict of trust and conflict of emotion) present as interpreters undertake their role in IAIIs. As such, it offers some novel insights into the demands and challenges of this specific communicative context around which this volume is centred.

Conflict of Role

Guidelines from the principal government agencies in England and Wales overseeing the courts and criminal prosecution (Her Majesty's Court Service [HMCS] and the Crown Prosecutions Services [CPS] respectively) state that "[the interpreter is] required to convey the exact meaning of what is said without adding, omitting or changing anything" (HMSC & CPS Terms and Conditions for Interpreters 2008: 6.1.1). This definition purports the conduit model of interpreting, which identifies the interpreter as a passive or neutral actor in the conversation, creating no new knowledge or independent contributions, akin to a computerised interpretation device (Hsieh 2006). While arguably suitable for legal affairs, the definition is viewed as unrealistic in practice. Indeed, studies have indicated that interpreters are not always neutral (e.g.; Garcés 2015; Loach, 2019; Lor 2012; Splevins et al. 2010). Researchers have suggested that such lack of impartiality is, in part, related to the rotating roles the interpreter is often expected to undertake, such as socio-cultural mediator or co-investigator, since fulfilling these roles requires a natural deviation from that of 'conduit' (Hsieh, 2007; Lebesse, 2011; Llewellyn-Jones & Lee, 2013; Loach, 2019; Rudvin & Pesare, 2017; Shaffer & Evans, 2018). Jacobsen (2004) argues that while interpreters do violate stipulations regarding accuracy (and therefore neutrality), this is sometimes necessary in order to achieve successful interaction. Findings suggest that reparations, which complete fragmented dialogue during interpreter-assisted events, are not unacceptable to the original speakers, and are perhaps even viewed by them as desirable (Jacobsen, 2004; 2012). Even though police officers have raised concerns that IAIs are time-consuming (Mayfield 2016; Salaets & Balogh, 2015), completing partially constructed sentences can enhance speaker comprehension (Hale, 2002).

Deviations from their original formulation are, in this sense, inevitable (Hale, 2002; Jacobsen, 2004; Rudvin & Pesare, 2017), but, it needs to be reconciled with the need for impartiality, which some reparations may compromise (see examples Filipović [2019] and

Hijazo-Gascón [2019]). Hsieh's (2006) analysis of healthcare interpreters proposes that contextual conflict disrupts interpreter impartiality, such that when an interpreter's assumed conduit role is threatened, the interpreter is likely to change their role, and by proxy the contextual accuracy, in order to resolve the conflict. For instance, according to the model of impartial conduit interpreting, interpreters should interpret all speech, but interpreters reported feeling conflicted when speakers spoke to them as private individuals, and sometimes opted not to interpret the "private" speech (Hsieh, 2006). Loach (2019) also argues the importance of control and trust in medical interviews. The healthcare provider typically holds control as to the length and content of the medical interview, disempowering the patient who is struggling with language barriers and lack of healthcare knowledge. The interpreter, through positive claims of conscience, may feel it is necessary to "overstep" their role, providing potentially unwarranted advice to the patient, and creating role conflict with the healthcare provider. To reduce role conflict – and thus increase impartiality by proxy – interpreters and police officers need to collaboratively construct an interpreter role beyond that of mere conduit. Before undertaking interviews, it is known that some police officers might advise interpreters about the forthcoming interview (known as 'briefing' in the UK). It is theorised that the primary opportunity to create collaborative identity of police officers and interpreters would be during a pre-IAII briefing. While previous research has identified that briefings between police officers and interpreters occur (Mayfield 2016), little is known about what is discussed during this briefing or what (if any) benefits such pre-interview discussions have on the subsequent interview.

Conflict of Trust

The mutual goal of impartiality may be difficult to achieve due to the nature of the working relationship between the police officer and the interpreter. Salaets and Balogh (2015) report that the police officer must place some trust in the interpreter, as by using an interpreter,

they are relinquishing partial control of the interview. Trust is argued to be commonly constructed through collaborative exchanges between speakers (Hsieh et al., 2010; Loach, 2019). However, the trust existing between an interpreter and police officer is that of an implicit and involuntary dependency. That is, the police officer, being unable to identify problems with the interpreted speech, must assume that the interpretation is accurate. Robb and Greenhalgh (2006) define this type of trust relationship as coercive trust, as one participant (the police officer) is forced to place an unwarranted trust in the other (the interpreter).

Building trust between police officers and interpreters within an interview is difficult, as officers report experiencing a myriad of challenges when working with interpreters, including (1) inaccuracies; (2) interpreters acting as investigators; or (3) the production of substandard evidence (Mayfield, 2016). These may be valid complaints, but as police officers are unable to verify if these are true (or merely perceived) inaccuracies, this implies an implicit mistrust of interpreters, which is heightened by the finding that police officers prefer to use bilingual officers in place of a professional interpreter, if possible (Shaffer & Evans, 2018). It is currently unknown how frequently bilingual officers are used, as this is not currently recorded (nor required to be recorded) by police officers in the England and Wales.

A lack of trust between the interpreter and a police officer may create further conflict in the working relationship. Police preconceptions are liable to alter their approach to the interview. This has been demonstrated from research on confirmation bias, which has shown that investigators who hold guilty presumptions towards the suspects alter their behaviour and questioning styles (Kassin et al., 2003). Such investigator bias also was found in that study to have had a knock-on effect for the other individuals in the room, where those suspects that were presumed guilty by the interviewer were subsequently rated as being both more defensive and guilty by neutral observers viewing the interaction. Thus, if the police officer enters the IAI with a similar distrust of the interpreter, and the interpreter becomes aware of this, the

result could be a conflict between the police officer and interpreter, with the negative effects on the way in which the police officer conducts the interview and the quality of the interpreter's work.

In Hsieh et al.'s (2010) analysis of healthcare interpreters and providers, four dimensions were identified through which trust was enhanced or impugned; these are (1) interpreter's competence, (2) shared goals, (3) professional boundaries, and (4) established patterns of collaboration. Several of the statements made by the healthcare interpreters in the Hsieh et al. study echo sentiments expressed by the police officers that were revealed in research conducted by Salaets and Balogh (2015), suggesting that similar dimensions may exist in IAIs.

Conflict of Emotion

There is an expectation that, in order for interpreters to remain impartial, they must also present a neutral persona - even if this clashes with their felt emotions. Conflict between displayed and felt emotions creates a discrepancy, known as emotional dissonance (Hochschild, 1979; Kruml & Geddes, 2000). Constant engagement in emotional dissonance has been claimed to decrease job performance and psychological well-being, while increasing emotional exhaustion and negative affectivity (Bakker & Heuven, 2006; Karatepe & Aleshinloye, 2009). IAIs can be emotionally evocative, particularly in cases involving interpersonal violence or sexual assault. Nevertheless, in the UK, interpreters working with the police are not required to undergo any specialised training that might prepare them for such emotional content. Limited research on the emotional and psychological well-being of interpreters suggests that interpreters are emotionally affected by the cases they interpret for, with maintaining impartiality being identified as one of the greatest challenges in interpreting (Garcés, 2015)

Moser-Mercer et al. (1998) found that professional interpreters who were asked to stop

interpreting when the quality of their interpreting dropped, continued interpreting significantly longer, compared to student interpreters. This finding suggests that professional interpreters may not be aware of their own shortcomings with regards to interpreting, and thus may be also unaware of the impact their emotional experience may have on IAIIs. Existing literature from other domains supports this theory, suggesting that interpreters' emotional experiences affect the impartiality of an interpreting event (Kiguru, 2010; Lor, 2012; Splevins et al., 2010). However, the emotional experiences of the interpreters themselves have not been explored as thoroughly – with negligible amounts of literature in the context of IAIIs.

Research Questions

The extant literature identifies several avenues of conflict with the United Kingdom's legal perception of the conduit interpreter. These conflicts are cumulative and, if ignored, are liable to further impact the quality of the IAI. While issues addressed in available literature have focused on healthcare and linguistic aspects of interpreting, the present study seeks to determine the applicability of these findings in police interviews. Using a multimodal approach, this research aims to investigate interpreters' and police officers' beliefs about the IAI working environment and how it may impact the IAI, focusing on: (1) how the interpreter role is constructed during an IAI briefing, and how this changes through the course of the IAI, (2) how trust is constructed between interpreters and police officers, and (3) how emotions are perceived and experienced during the IAI, and what value is placed on these emotions.

Method

The data for this analysis comes from a set of self-administered questionnaires distributed to both police officers and interpreters working in the United Kingdom. Participants were recruited either in person at workshops/seminars, or online through both external (e.g.; Facebook, Twitter, LinkedIn) and internal (e.g. staff mailing lists, company owned communication platforms) social media tools. The questionnaire asked about the participant's

experiences of IAIIs, particularly emotional experiences, and identifying their perceptions of their role.

Participants.

A total of 261 participants (141 interpreters and 120 police officers) were recruited for the present study, using a convenience sample of interpreters and police officers across the United Kingdom was taken. Of the respondents, 73.0% ($n = 103$) of interpreters, and 34.2% ($n = 41$) of police officers were female. There were two police officers that preferred not to state their gender. Not all participants answered all questions. Partially completed questionnaires were included for analysis if questions were answered beyond basic demographic questions. Mean professional experience for interpreters was 14.94 years ($SD = 9.50$) and 16.51 ($SD = 8.72$) years for police officers. The majority of interpreters had been involved in over 100 IAIIs, whereas the majority of police officers had conducted under 40 IAIIs (Table 4.1).

Table 4.1. *Number of Interviews Conducted by Role*

	<u>1-40</u>		<u>41-90</u>		<u>Over 100</u>	
	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>
Interpreter	25.0	34	18.4	25	56.6	77
Police Officer	66.4	79	19.4	23	14.3	17

Research Design

Two versions of the questionnaire were constructed, one for interpreters and one for police officers. However, the questions remained largely the same in both, with the phrasing being reworded in order to apply more specifically to each target audience. Additionally, questions which did not pertain to the target audience were excluded (e.g.; police officers were not asked what languages they could interpret). The questionnaire consisted of 34 questions outlined in Appendix 2. After questions pertaining to demographic details, the majority of questions were either multiple-choice questions or required a response on a Likert scale. For Likert scale questions, participants were asked to rate their experiences either using the frequency of an event (1 = Never, 2= Rarely, 3= Sometimes, 4= Often, 5= Always) or the

degree to which they agreed with a particular statement (1= Strongly Disagree, 2= Disagree, 3= Neither agree nor disagree, 4= Agree, 5= Strongly Agree). Open-ended questions were also used to supplement the multiple-choice responses.

Data Analysis

Quantitative.

The likelihood of obtaining a type I error (i.e.; false positive results) is increased when multiple comparisons are conducted on the same dataset. Furthermore, conducting multiple and varied statistical analyses can suggest ‘*p*-hacking’, which is a phenomenon when researchers collect or select statistical analyses until they find significant results (see Head, Holman, Lanfear, Kahn, & Jennions, 2015). To avoid possible *p*-hacking and also to reduce the possibility of a type I error, statistical comparisons will not be conducted for all 34 questions. The present study focused on the construction of interpreter role and mutual trust during IAIs, and the value and attention was placed on emotions and emotional experience. Thus, questions selected for statistical analyses related to briefing, impressions about interpreting errors, emotional experience, responses to emotion, and debriefing, due to their relevance to interpreter identity construction and emotional experiences (see Appendix 2). Closed-ended questions, (i.e.; requiring Likert scale responses), were analysed using chi-square tests of independence for categorical responses, and *t*-tests for assessing association in measures of frequency and agreement. Where tests of normal distribution were significant (e.g. in Levene’s Test), corrections for continuity or non-equal variances were used. Descriptive statistics were run on the remaining questions to identify trends, but these were strictly for general knowledge and no statistical comparisons were run. The responses to the relevant questions are now examined.

Briefing.

The 82.4% of interpreters ($n = 28$) and the 93.3% of police officers ($n = 56$) who

answered this question indicated that they are involved in a briefing before beginning an interview. There was no significant relationship between role and receiving a briefing ($\chi^2 (1, 94) = 1.72, p > .05, \phi = -.17$). The majority of participants indicated that they received basic information, such as interviewee name, age, and crime being investigated (Table 4.2). Few participants reported receiving any evidentiary information. Of those who answered that they had received “other” information, 50% ($n = 12$) stated they had received general background information about the interviewee/crime, and 25% ($n = 6$) indicated they received procedural information (e.g. purpose of interview, information about the caution).

Table 4.2. *Contents of pre-IAII briefing*

	Overall % <i>N</i> = 86	Interpreter <i>n</i> = 29		Police <i>n</i> = 57	Officers
		%	<i>N</i>	%	<i>N</i>
Interviewee name	78.0	79.3	23	96.5	55
Crime being investigated	72.1	75.9	22	70.2	40
Interviewee age	64.0	44.8	13	73.7	42
Other (specify)	27.9	34.5	10	24.6	14
Physical evidence	10.5	13.8	4	8.8	5
Crime scene photos	11.6	6.9	2	14.0	8
None of the above	2.3	3.4	1	1.8	1

Errors.

All participants were asked to rate the frequency at which they experienced events that could be construed as interpreting errors (see question 19 in Appendix 2), which were analysed using *t*-tests (Table 4.3). These included; (1) summarisations (long segments of speech are condensed interpreted into a few short words or phrases), (2) omissions (some words/phrases spoken are not interpreted), and (3) additions (words/phrases not originally spoken are added to the interpretation). Items which might signal improper interpreting, such as frequent interruption of a speaker and lack of neutrality, were also included, as these can disrupt the flow of the conversation and misconstrue the intended meaning. These are referred to as perceived errors in interpreting, as unfamiliar language speakers (i.e. police officers) will not know for certain if an error has indeed been made. Experience of perceived errors was significantly more frequent for police officers compared to interpreters. Police officers reported

experiencing interpreter summarisations, omissions, and interpreters taking the lead without being prompted, as significantly more frequent when compared to the interpreters' experience ($p < .001$). Police officers reported experiencing neutrality from the interpreter significantly less frequently than did interpreters. No significant difference was found regarding the experience of improper interpreting in the case of interpreting victims' or witnesses' turns (see Table 4.3).

Table 4.3. *Perceived Interpreting Errors (t-test)*

	Mean (SD) PO ($n = 60$)	INT ($n = 34$)	t	df	Cohen's d
Interpreter sometimes asks questions of the victim/witness without prompting from the interviewer	2.76 (.84)	1.75 (.84)	-5.50**	89	1.20
Interpreter does not interpret some of the victim/witness's speech	2.96 (.84)	1.33 (.64)	-9.59**	88	2.17
Interpreter does not interpret some of the interviewer's speech	2.73 (.92)	1.30 (.59)	-9.15**	88.9	1.85
Long segments of speech are interpreted in short sentences	3.33 (.84)	2.00 (1.16)	-6.45**	92	1.31
The interpreter interrupts the victim/witness	2.68 (.89)	2.24 (1.06)	-2.13*	91	.45
The interpreter interrupts the interviewer	2.36 (.92)	2.38 (1.10)	.12	91	.02
Interviewer refers to the victim/witness in the third person	2.40 (1.00)	2.27 (1.21)	-.55	91	.12
Interviewee refers to the interviewer in the third person	2.39 (.98)	2.03 (1.05)	-1.65	90	.35
The interpreter should remain neutral towards the victim/witness	3.95 (1.07)	4.79 (.54)	4.28**	89.7	.99
The interpreter should remain neutral towards the interviewer	3.95 (1.11)	4.82 (.52)	5.16**	88.3	1.00

* $p < .05$, ** $p < .001$

Emotions experienced.

Of those 170 respondents who answered this question (Appendix 2, question 9), 95.4% of interpreters ($n = 104$) indicated they had experienced at least one type of emotion during an interview, whereas only 63.9% ($n = 39$) of police officers indicated that they had experienced at least emotion type during an interview. Interpreters were more likely to report feeling upset or afraid compared to police officers (see Table 4.4), as shown by the Chi-square test for independence, using Yates Continuity Correlation, which indicated a significant correlation between a job role and 'feeling upset' $\chi^2 (1, 170) = 17.21, p < .001, \phi = -.33$, and 'feeling afraid' during an interview; $\chi^2 (1, 170) = 5.99, p < .05, \phi = -.21$. There were no significant

differences between the two groups with regard to ‘feeling happy’ ($p = .28$), ‘angry’ ($p = .61$), or ‘disgusted’ ($p = .94$). The 62.1% of those 166 participants who answered this question (of which 43 were police officers, and 60 were interpreters) indicated that they rarely or never felt emotional during IAIs (Appendix 2, question 10), with a further 26.5% (of which 10 were police officers, and 34 were interpreters) indicating that they “sometimes” felt emotional during an IAI. There was no significant difference between police officers ($n = 61$; $M = 2.28$, $SD = 1.04$) and interpreters ($n = 105$; $M = 2.49$, $SD = .92$) with regards to frequency of feeling emotional overall, $p = .18$. When investigators ($n = 60$) were asked if they ever felt that an interpreter was emotionally affected by the interview (Appendix 2, question 20), 61.7% ($n = 37$) responded that they had. Only 44.1% of the 34 interpreters who responded indicated that they had felt investigators were emotionally affected.

Table 4.4. *Emotions Experienced*

	<u>Overall</u> $N = 170$		<u>Interpreter</u> $n = 109$		<u>Police Officer</u> $n = 61$		<u>Chi-Square</u> <u>Correction</u> Value	with p	Continuity Φ
	%	n	%	n	%	n			
Angry	31.8	54	30.3	33	34.4	21	.149	.609	.043
Upset	59.4	101	71.6	78	37.7	23	17.21	.000**	-.331
Afraid	12.4	21	17.4	19	2.3	2	5.99	.014*	-.206
Happy	21.8	37	24.8	27	16.4	10	1.16	.282	-.097
Disgusted	30.0	51	34.9	38	21.3	13	2.81	.094	-.142
Other	32.5	55	38.5	42	21.3	13	-	-	-

Note. * $p < .05$, ** $p < .001$

Participants were asked to rate the frequency (1= Never to 5= Always) to which they had experienced potentially biasing opinions/actions, emotional reactions, and emotional support. As shown in Table 4.5, interpreters found interpreting for criminal cases emotionally demanding more frequently compared to police officers. Interpreters were significantly less likely to feel supported or know where to find support compared to police officers. Police officers were more likely to indicate that they could tell if an interviewee was guilty/lying compared to interpreters. Police officers reported finding it difficult to remain impartial more often than interpreters.

Table 4.5. *Emotional experiences during IAIIs (t-test)*

	<u>Mean (SD)</u>		<u>t</u>	<u>df</u>	<u>Cohen's d</u>
	PO (n = 50)	INT (n = 82)			
I find it difficult to remain impartial during interviews	2.08 (.97)	1.59 (.70)	-3.40*	130	.58
I find interpreting for criminal cases emotionally demanding	2.42 (.93)	2.83 (1.00)	2.34*	130	.42
I prefer interpreting for victims/witnesses rather than suspects	2.30 (1.00)	1.94 (1.17)	-1.82	130	.33
I can tell when a suspect is guilty	3.08 (.99)	2.20 (1.12)	-4.72**	114.0	.83
I have cried after interpreting for a criminal case	1.20 (.57)	1.30 (.54)	1.06	130	.18
I have nightmares about some of my cases	1.52 (.79)	1.27 (.52)	-2.01	75.4	.37
I prefer interpreting for suspects rather than victims/witnesses	3.14 (1.21)	2.01 (1.32)	-4.89**	128	.89
I can tell when a victim/witness is lying	3.00 (.81)	2.41 (1.07)	-3.59**	122.9	.62
I know where to find support if I am feeling emotional after a case	3.57 (1.29)	2.51 (1.53)	-4.22**	114.4	.75
Investigators support me if I feel emotional during a case	3.16 (1.39)	1.77 (1.10)	-5.97**	87.5	1.11
I speak to the interviewee about topics unrelated to the case during breaks	3.32 (.96)	2.07 (1.08)	-6.73**	130	1.22

Response to emotion.

All participants were asked what they would each do if the interpreter became emotional during and after the interview (Appendix 2, question 12 and 13) – interpreters were asked to indicate what they would do if they themselves became emotional (although only 221 completed this question; 112 police officers; 109 interpreters). Chi-square tests for independence indicated a relation between job role (i.e.; interpreter or police officer) and likelihood of the taking a break in the interview: $\chi^2 (1, 221) = 46.3, p < .001, \phi = .47$; likelihood of continuing the interview: $\chi^2 (1, 221) = 4.07, p < .05, \phi = -.15$; and of doing nothing during the interview: $\chi^2 (1, 221) = 58.77, p < .001, \phi = -.53$. This was such that police officers (71.4%, $n = 80$) were more likely to take a break during an interview if they felt emotional compared to 24.8% of interpreters ($n = 27$). Furthermore, interpreters were more likely to report continuing with the interview (15.6%, $n = 17$) or doing nothing (45%, $n = 49$), compared to police officers (6.3%, $n = 7$ and 0.9%, $n = 1$ respectively).

Debriefing.

Coping mechanisms occurring after the conclusion of the interview showed a similar

pattern as the ones used during the interview. It was found that police officers were significantly more likely to indicate that they would speak to a professional (21.4%, $n = 24$), compared to interpreters (8.3%, $n = 9$); $\chi^2 (1, 221) = 6.54, p < .05, \phi = .19$. A significant correlation was also found concerning whether respondents conducted a debrief (where 134 answered this question; 51 police officers, 83 interpreters), such that police officers were more likely to indicate that they would conduct a debrief if the interpreter had been emotional (64.7%, $n = 33$) in contrast to interpreters (19.3%, $n = 16$); $\chi^2 (1, 134) = 26.18, p < .001, \phi = .47$. Only 38.2% ($n = 13$) of interpreters and 50% ($n = 29$) of police officers who answered this question indicated that they had been involved in a debriefing at the conclusion of an interview. There was no significant relationship between role and receiving a debriefing ($\chi^2 (1, 92) = .77, p > .05, \phi = -.11$).

Additional Descriptive Statistics.

The remaining questions (see Appendix 2, questions 14, 25, 26, 27, 28, 30, 32, and 34) were assessed using frequency statistics. No statistical comparisons were run, but the information garnered from this data does help to explain the positions of the interpreters and police officers. The responses from question 14 (Table 4.6) demonstrate the participants who agreed with various statements regarding the role of the interpreter. As can be seen, there was general agreement on the majority of these questions, with some exceptions.

Table 4.6. *Percentage of participants who answered Strongly Agree or Agree*

Question	Interpreters	Officers
	<i>n</i> = 34	<i>n</i> = 64
The interpreter supports the interviewee	30.3%	71.2%
The interpreter supports the interviewer	30.3%	76.7%
The interpreter interprets literally	47.1%	75.0%
The interpreter interprets faithfully	97.0%	94.4%
The interpreter should explain socio-cultural differences to the interviewer	93.9%	89.6%
The interpreter should explain technical terminology to the interviewee	30.3%	84.6%
The interpreter should adjust the language to suit the level of the interviewee	48.5%	64.7%
The interpreter should put the interviewee at ease	21.2%	62.3%
The interpreter should keep the conversation flowing	24.2%	39.7%
The interpreter should give his/her opinion on the case	5.9%	8.3%
The interpreter should alert the interviewer if they believe the interviewee has learning disabilities	85.3%	90.3%
The interpreter should alert the interviewer if they believe the interviewee is vulnerable	78.8%	90.6%
The interpreter should remain neutral towards the interviewee	85.3%	89.3%
The interpreter should remain neutral towards the interviewer	91.2%	93.1%

A high percentage (83.3%) of the 24 interpreters who responded reported being left alone with the interviewee (Table 4.7). It was not generally seen as being useful for the interpreters, as only 8.3% of interpreters felt that speaking to the interviewee in the absence of the interviewer was beneficial, and the majority (65.2%) of interpreters (who had been left alone with an interviewee) indicated that they spoke about nothing in the absence of the interviewer.

Table 4.7. *Interpreters left alone with interviewees*

Question	Answer	Percent <i>n</i> = 24
Have you ever been left alone with a victim/suspect?	Yes	83.3%
Do you think speaking to the interviewee in the absence of Yes the interviewer is beneficial?		8.3%
What have you spoken about?	Nothing	65.2%
	Small talk (e.g.; weather, sports, etc.)	47.8%
	Other	29.2%
	The present case	13.0%
	Common interests	8.7%

Participants were asked questions concerning the perceived biases of the other individuals in the room. Interpreters were asked to answer on their perceptions about investigators they had

worked with, and police officers were asked to answer on their perceptions of interpreters with whom they had worked. The majority of participants responded negatively to questions regarding bias (see Table 4.8); however, 73.5% of the 34 interpreters indicated that they had been asked their opinion by police officers as to whether the interviewee was speaking truthfully.

Table 4.8. *Perceptions of interpreter bias*

Question	Interpreter % Yes	Police % Yes
Have you ever felt the interviewer/interpreter has been influenced by personal opinions during an interview with an interviewee?	35.3%	43.1%
Have you ever asked the interviewer/interpreter their opinion on truthfulness of the interviewee's statement?	0.0%	30.5%
Would you like to know their opinion?	36.7%	36.4%
Have you ever been asked your opinion on whether the interviewee is speaking truthfully?	73.5%	37.3%
Would you like to be asked?	10.0%	25.0%

Finally, the participants were asked what they did with notes taken by the interpreter after the interview was concluded. The majority ($n = 20$, 62.5%) of those 32 interpreters who responded indicated that they disposed of the notes confidentially, whereas the majority of investigators ($n = 27$, 44.3%) indicated that they would keep the notes themselves. Only one investigator indicated that they would dispose of the interview notes, a matter which would be in contradiction with the Criminal Procedure and Investigations Act (CPIA) 1996. The CPIA is a piece of legislation which indicates that any and all information (with only certain prescribed exclusions) collected during the course of an investigation must be disclosable to the defending counsel of the accused should the case go to court. As such, disposing of the interview notes (which could provide possible evidence either against or in support of the defence) would be a violation under the CPIA.

Table 4.9. *Notes made by interpreters during interviews*

What did you do with the interpreter's notes at the conclusion of the interview?	Interpreter <i>n</i> = 32	Police Officer <i>n</i> = 61
I do not take notes/Do nothing with notes	21.9%	31.1%
Keep the notes	3.1%	44.3%
Give to the interviewer/Take them from the interpreter	31.3%	16.4%
Dispose of them confidentially	62.5%	1.6%
Other	9.4%	24.6%

Qualitative.

Open-ended questions (see Appendix 2, questions 16, 22, 24, 29, and 33) were used to provide further insight into answers to the closed-ended questions. Responses to the question “What benefits you receive from receiving a briefing?” were analyzed using thematic analysis (Braun & Clarke 2006; 2013). The pre-IAII briefing is the first opportunity for the police officer and interpreter to interact and begin constructing a shared professional environment. The quantitative results indicated what was commonly included in a briefing, but in order to explore in more depth how the relationship exists prior to the start of the IAII, participants were asked to discuss what they felt were the benefits of a pre-IAII briefing. Of the original sample, 29 interpreters and 57 police officers provided responses to this question. The researcher read through all the responses and generated thematic codes. The codes were organised into four overarching themes. Professional identities were masked when generating coding but re-introduced when forming the final four themes. Three of the themes common for both police officers and interpreters were: well-being, language preparation, and lack of briefing. The fourth and final theme, maintaining control, was identified only within police officer responses. There were no themes that applied solely to interpreters. Each theme is further discussed in the following sections.

Well-being.

Concerns about well-being was the most common theme. When speaking about well-

being, participants most frequently expressed themselves in terms of mental well-being, although physical well-being was also addressed. This not only supports previous literature suggesting that interpreters are emotionally affected by the content of IAIs (Garcés, 2015; Hsieh & Hong, 2010; Kiguru, 2010), but in addition presents novel insight into the awareness regarding the reverse situation, namely impact of mental well-being on the interview. One officer framed such awareness in relation to their previous experiences with interpreters:

PO 88: For example, in a child murder situation would the interpreter be up to the task mentally (emotionally) to cope with the communication needs between interviewer and interviewee or would the actual case effect their role and interpretation work. (I have experienced this in a couple of cases I have dealt with).

The importance of emotional well-being was emphasised in relation to how it affected impartiality. For interpreters, the briefing was perceived as an opportunity to prepare themselves mentally for the interview task and expressed awareness that they were required to remain neutral. Interpreters felt that being briefed about the content of the forthcoming interview would help them prepare emotionally for their role. As INT 65 stated:

Being briefed... gives me the opportunity to prepare myself in terms of content...I can be more prepared emotionally, whilst as interpreters we aim to be as impartial and faithful as possible, we are human.

The interpreters also suggested that by preparing for the emotional context, they would be more prepared to achieve the impartiality required of them during IAIs. While police officers and interpreters recognised that the content of the interviews had the potential to be emotionally distressing to the interpreter, it appeared they each had different perspectives on the benefit of acknowledging the emotional content. The police officers' responses suggest that they were giving the interpreter an opportunity to decline a case where they felt uncomfortable. For example, PO 89 stated:

I am also aware that sometimes what I am about to interview for might be distressing so I like to give a health warning to the interpreter and check they are happy to continue.

In this sense, the issue of mental well-being for police officers important for the purpose of ensuring the interpreter was emotionally equipped to remain neutral. The interpreters, however, appeared, from their responses, to be concerned about mentally preparing themselves so that they could portray the appropriate neutral emotion expected of them. As INT 39 said:

I am aware as an interpreter you have to be neutral, but let's be honest, we [are] also humans and some cases just well may disturb some of us. Personally, briefing prior is very helpful if a person has violent tendencies - even though in most cases the police would make sure not to put interpreters at risk still I feel better if I am aware and can be more vigilant.

This focus is indicative of the perceived importance of impartiality in IAIIs. Even prior to beginning an IAI, interpreters and police officers were concerned about losing impartiality due to emotions.

Language preparation.

The second most common theme was language, largely in reference to language preparation. The interpreters felt it was important to receive a briefing so that they could prepare the vocabulary required with regard to the case at hand.

INT 65: Being briefed allows me not only to prepare for the jargon and lexical choices that will be involved to ensure that I can convey the various concepts appropriately, but additionally it gives me the opportunity to prepare myself in terms of content.

Language preparation was discussed in terms of colloquial and technical language. Interpreters felt that through language preparation, they could gain a better understanding of the context of what they were about to interpret. As INT 9 stated, “*I can prepare, I can anticipate, I have a*

context when faced with terms with different translations". Contextualisation is an important aspect of the language preparation for the interpreters, as it emphasises the concept of the interpreter as purveyor of context. This supports Jacobsen's (2004) theory of the goal of the interpreter being effective communication between participants: interpreters were keen to expand their language knowledge in order to communicate the contextual meaning during the IAI more effectively. By contrast, while police officers did comment on the need for interpreters to prepare language and vocabulary (thus demonstrating their understanding of its importance towards interpreter preparation), they often did so in relation to their own preparation for the interview - not just the interpreters.

PO 116: Facts to the case, lines of enquiry /discussion on cultural issues that may impact - this helps the interpreter to better understand the investigation and may help with the formation of questions should an English articulation need modification to be understood by the interviewee.

This statement indicates that some police officers have some awareness of what was involved in the interpreting process and understood that certain phrasing and terminology did not have verbatim interpretations. Police officers also saw briefing with interpreters as an opportunity to plan what they would ask during the interview and alter what they might say if the interpreter subsequently advised them that such questions did not have a similar meaning in the interviewee's language.

Lack of briefing.

As to the third theme, lack of briefing, while the majority of interpreters said that they did receive a briefing, several interpreters indicated that they very rarely, if ever, received a briefing. However, they also stated that this was not necessarily a loss, since it was felt that even when the briefing was given, it was not sufficiently comprehensive.

INT 70: Not always briefed. Not many benefits as the briefings are normally just an

outline of an allegation, especially if there are some complicating background circumstances, e.g. a complex family structure in a child sex abuse case.

This finding was reiterated by police officers, who stated that there was “not enough time” (PO 23) for a brief or “do not feel that it is necessary” (PO 11). PO 128 also stated that they only conducted a brief when the interviewee was a suspect, but not brief in the case of witnesses.

Maintaining control of the interview.

With regard to the final theme, maintaining control, it was found that police officers, in response to the open questions, provided utterances indicating an underlying theme of maintaining control of the interview. This was often expressed through the setting of ‘ground rules’ or role definitions. Police officers showed some awareness about the shifting role of the interpreter (e.g. from ‘conduit’ to sociocultural ‘bridge’), indicating that the benefit of the briefing would be to state the role of the interpreter. Such examples were often found among the responses. Role definition by police officers was most often expressed in terms of telling or explaining to the interpreter what they believed the interpreter should do in the interview. For instance, PO 124 felt that it was an opportunity to:

remind [the interpreter that] their role is to facilitate communication, to advise them how interview will run, remind them not to have conversations in own language as tapes running.

In this sense, police officers felt that the briefing was a useful way to instruct the interpreter on what was to happen during the IAI. The theme of maintaining control was also expressed as a function of checking interpreter bias/conflicts of interest. In this sense, the definition of roles appears to be entirely one-sided. Police officers saw the briefing as an opportunity to define the interpreter’s role, not to provide any definition or further understanding of the police officers’ goals and position within the interview. This is particularly well illustrated in the following statement:

PO 123: So that they understand their role and what they should/shouldn't do otherwise they may undermine the interview.

The police officers' objective seemed to be less to create a clear understanding between themselves and the interpreter with regard to their respective roles within the interview than to find a way for the police officers to keep control over all aspects of the interview. A similar theme was expressed by legal professionals in the Salaets and Balogh (2015) study, which found that legal professionals appeared to fear losing control of the interview to the interpreter. As Salaets and Balogh (2015) also state, the police officers seem to overlook that they have already relinquished some control of the interview to the interpreters.

Language used by police officers suggested misunderstandings of the interpreter role, as police officers wanted to ensure interpreters interpreted "directly" (PO 133) or "literally" (PO 95). These terms imply that language is interpreted verbatim, "word-for-word" and literally, something which is not always possible, or even desirable. This finding aligns with statements from healthcare providers, suggesting that interpreters were seen as more competent when they interpreted as literally as possible (Hsieh et al., 2010). The presumed control by the police officers also demonstrates a perceived power imbalance between the two sets of professionals. Even the manner in which the interpreters write about themselves suggests that they do not consider themselves as being on equal footing with the investigators. As INT 39 stated, "*in most cases, the police would make sure not to put the interpreter at risk*". The interpreters have relinquished control of their own personal safety into the hands of the police officer, but the police officers are not willing to hand over their perceived control over contextualisation to the interpreters.

Previous literature has indicated that interpreters are utilised for (or assume) multiple functions (Hsieh, 2007; Llewellyn-Jones & Lee, 2013; Loach, 2019; Nakane, 2009; Salaets & Balogh, 2015b), which conflicts with the legally constructed expectation of an impartial

conduit interpreter (HMSC & CPS Terms and Conditions for Interpreters, 2008). The findings largely complement earlier research (e.g. Hsieh, 2007; Hsieh et al., 2010; Lebesse, 2011; Loach, 2019; Mayfield, 2016; Smith, 2016) in that interpreters and police officers appear to have different understandings of what comprises the interpreter's role. Furthermore, it was found that there was a lack of a collaborative perspective. Interpreters and police officers discussed the benefits of the briefing as a function of the impact it had on their own roles, but not in relation to the shared working environment. The interpreters were more reliant on the police officers, expecting that the police officers would ensure the interpreters' physical safety and give them the needed contextual details if required; however, such information was not necessarily always actively proffered by the police officers.

Thus, the benefits of the briefings were not about creating a collaborative working environment, but rather about each set of professionals establishing their own priorities for their own perceived roles. This conflicts with Hsieh's (2010) exploration of healthcare interpreters, in which she proposed that trust and roles within interpreting events were interdependent, and while there were distinctions between provider and interpreter responses, providers largely perceived interpreters as members of the healthcare team (Hsieh, 2007; 2010; Hsieh et al., 2010). Of the four dimensions of trust (interpreter's competence, shared goals, professional boundaries, and established patterns of collaboration) these researchers identified in healthcare interpreting, only interpreter competence was reflected within the IAI.

Discussion

Each set of professionals independently formulated ideas about what should be expected, rather than engaging in a collaborative role construction. With regard to building trust in interviews between the two professional groups, there was a shared expectation of impartiality but some of the concerns in relation to it were different between the two groups of professionals, for example, the attitudes to well-being, control maintenance and perception of

errors. Similarly, there were differences in relation to emotional aspects both during and after the interview. In what follows, the findings are related to the three initially identified conflict types (of role, trust and emotion) and some pathways to conflict resolution are suggested.

Conflict of Role: how proper briefings may help

It has been suggested that conflicts between expected and received interpreter role identities could be mitigated through collaborative role construction during the pre-IAII briefing. Salaets and Balogh (2015) had previously found that just under half of interpreters in the UK report “always” or “often” receiving briefings. The results here exceeded the previous findings, with over two-thirds of interpreters and police officers indicating that they had been involved in a pre-IAII briefing. As Salaets and Balogh (2015) discuss, this may be related to discrepancies in subjective understandings of a briefing. Indeed, when considering the content of the briefing, the majority of participants perceived briefing as largely consisting of basic details about the interviewee (e.g. name, age, crime investigated). This is certainly a far stretch from the envisaged collaborative briefing environment, which might enable interpreters to achieve adequate mental preparation to cope with the emotions that the interviews may induce and provide police officers with a better understanding of the capabilities of the interpreter.

The questionnaire did not ask about the frequency with which interpreters and officers received briefing (for this, see the seminal work by Salaets and Balogh 2015); even so, some interpreters felt strongly enough about the necessity of briefing to mention that they rarely - if ever - were involved in briefings. By contrast, other participants stated that they did not always find value in a pre-IAII brief; police officers often perceived briefing as time-consuming and unnecessary, whereas interpreters stated that they rarely were involved in briefings, or that information provided was vague or “*sketchy*” (INT 32). This complements the findings regarding the briefing content and suggests that the lack of detail in IAII briefings makes them somewhat redundant. However, it could also be construed as reflecting the police officers’

drive towards interpreter impartiality. Reducing or eliminating pre-interview information reduces the likelihood that an opinion will be formed by the interpreter prior to the interview, decreasing the likelihood that confirmation bias is developed (Kassin et al., 2003). As several responses indicated that reducing bias or conflict of interest was essential, eliminating the briefing entirely may be considered an option to eliminate preconceptions. This, however, conflicts with the need for emotional preparation and role definition expressed by police officers and interpreters.

Conflict of trust: The issues of perceived competence and control

In healthcare settings, trust has been identified as a key component of interpreter-assisted interactions (Hsieh et al., 2010; Loach, 2019; Robb & Greenhalgh, 2006). Hsieh's (2010) research included interpreter competence as an influential dimension of trust relationships, such that perceived interpreter competence was proposed to increase trust relationships, and conversely, interpreter incompetence was felt to impact trust negatively. Within the present study, participants were asked to rate the frequency of events that could be construed as errors of interpretation. As interpreters are the only persons in an IAI with full comprehension of both languages, police officers' responses are representative of perceived inaccuracies in interpreting, rather than necessarily signalling actual interpreting errors. Police officers consistently rated experiences of interpreting additions, omissions, and summarisations as more frequent, when compared to interpreters' assessment; this would indicate the existence of varying levels of mistrust. The police's perception of frequently occurring 'errors' of interpreting thus suggests that their trust in IAIs is likely to be negatively impacted. This aligns with the definition of 'coercive trust', as described by Robb and Greenhalgh (2006), and further implies that the communication itself is likewise negatively affected. When taken in context with the police officers' indications that they are seeking to be in control of the interview, it can be seen how the police officers' behaviours in IAIs shift

towards uncollaborative communication styles.

Coercive trust was also exemplified through the lack of a collaborative perspective. Interpreters and police officers discussed the benefits of the briefing as a function of the impact it had on their own roles, but not in relation to the shared working environment. The interpreters were more reliant on the police officers, expecting that the police officers would ensure the interpreters' physical safety and give them the needed contextual details if required; however, such information was not necessarily always actively proffered by the police officers.

This conflicts with Hsieh's (2010) exploration of healthcare interpreters, in which she argued that health providers largely perceived interpreters as members of the healthcare team (Hsieh et al., 2010; Hsieh, 2007; Hsieh, 2010). Of the dimensions of trust that Hsieh and colleagues identified in healthcare interpreting, only interpreter competence was reflected within the IAI. Interpret competence would be conducive to the establishment of trust, but police officer responses suggested an implicit mistrust of the interpreters' abilities, which was further illustrated by officers' heightened experience of having to interpret 'errors'. This distrust in interpreter competence reiterates the police officers' need to maintain some semblance of control over the IAI – despite the interdependent nature of the IAI conversation. Whether this affects interpreter impartiality is unknown at this stage, but as research in another context (of suspect interviews) indicates, preconceptions create bias in interviews (Kassin et al., 2003). This finding should be factored into interview considerations, and further explored in order to understand the impact it may have on interview quality and impartiality, and to seek ways to resolve the conflict of trust it engenders.

Conflict of emotion: dealing with emotions during and after IAIs

Many interpreters reported experiencing at least one kind of emotion during an IAI. Interpreters were also significantly more likely to feel upset or afraid during an IAI, as compared to police officers. As seen above, mental well-being, particularly in relation to

emotions, was also the most frequently identified theme for interpreters when discussing the benefits of briefing. A minority of interpreters reported never feeling emotional during an IAI, but despite this, only a quarter of interpreters indicated they would take a break when they felt emotional. One of the challenges raised by the police officers in the Mayfield (2016) study was the impact emotional reactions of the interpreters had on the quality of the IAI. It is therefore interesting to note that interpreters recognise that they experience emotions, and additionally have flagged emotional preparation as a benefit of briefing, yet few indicated feeling that they struggled to remain impartial. From the qualitative responses, it was also clear that, in the context of maintaining the impartial identity expected of the interpreters, emotional well-being was of foremost importance. The interpreters indicated that briefing knowledge allowed them to prepare mentally so that they could present themselves as neutral. Overall, the interpreters in this study reported having trouble remaining impartial less frequently compared to police officers, with the majority indicating that they never struggled with impartiality.

This finding contradicts those of a prior study (i.e.; Garcés, 2015), which revealed that the majority of interpreters indicated they are struggling with impartiality. As that research was conducted in Spain, such apparent inconsistency may be attributable to cultural differences; though it might well be more likely related to the fact that Garcés' prior study's participants were interpreting students, rather than professional interpreters (who were the participants in the present study). As such, the findings could well be indicative of professional overconfidence (as already discussed). The attitude on the part of the interpreters in the present research is reminiscent of the confidence exuded by the professional interpreters in the Moser-Mercer et al. (1998) study, in that it suggests that the interpreters do not feel the quality of their interpreting being compromised - in this case by their emotions - and continue in spite of a potential drop in quality. Furthermore, as theorised by the researcher, it suggests that interpreters are engaging in emotional dissonant behaviours in order to be able to continue

working. Still, even beyond immediate impacts on the interpreting quality, consistent emotional engagement over time is likely to increase mental exhaustion and cause poorer job performance, in addition to further impairing impartiality (Bakker & Heuven, 2006; Brotheridge & Grandey, 2002).

Interpreters were found to be less likely to know where to find emotional support, either from the investigator or elsewhere. This finding supports, on the one hand, similar findings by Hale (2002), Jacobsen (2004), and Rudvin and Pesare (2017), which indicated that interpreters were unaware of emotional support available. Interpreters' lack of knowledge in relation to finding emotional support, in combination with the indication that interpreters largely did not feel it necessary to engage in any form of emotional coping, is concerning. Without engaging in appropriate coping strategies, interpreters are likely to experience emotional stress and burn-out (Bakker & Heuven, 2006; Brotheridge & Grandey, 2002; Rudvin & Pesare, 2017). Such outcomes not only risk impairing the quality of the IAI, but they are also likely to have a subsequent adverse effect on the building of collaborative trust between police officers and interpreters, as well as exercising a potentially negative impact on their future career as a police interpreter.

It was found that interpreters concede that they are emotionally affected by the content of IAIs (though they appear to engage in emotional dissonance during IAIs in order to maintain the coveted impartiality), yet they rarely seek or are able to obtain emotional support during or after an IAI. Police officers were more likely to attempt to engage in emotionally supportive behaviours with interpreters by conducting a brief, but as the majority of interpreters indicated, they rarely or never felt emotionally supported by police officers, which suggests that police officers are unlikely to provide support to interpreters of an appropriate level or frequency.

One important factor in dealing with conflict of emotion is the debriefing, and the

response patterns in that domain align with those found in the Salaets and Balogh (2015b) study, whereby few participants indicated that they had received a debrief. Over half of police officers indicated they would conduct a debrief with the interpreter if they experienced the interpreter as having been emotional, which suggests that police officers may only conduct a debrief when they feel it is necessary (i.e. when they suspect that a possible breach of impartiality has occurred). Like briefing, debriefing may have benefits towards building a collaborative relationship between the interpreter and the police officer, and also allows reflection on how to prevent emotionality from affecting the interview. However, the possibility for improving the relationship is impaired if debriefing only occurs when the police officer recognises the emotionality of the interpreter, as critical analysis is most effective when both strengths and weaknesses are identified.

Limitations

Only a limited number of participants provided qualitative responses, and while some interpretations of these findings have been suggested, a thematic analysis of a small number of responses does not allow for broader generalisations to wider populations. Researchers' own specialisation within the research area and the results of the quantitative data is likely to have influenced the subsequent categorisation into the overarching themes within the qualitative data. The content of the questionnaire may have also influenced how participants answered, skewing qualitative responses towards the focus on emotional factors in IAIs. In future research, therefore, it is recommended that quantitative and qualitative data be gathered separately.

Further, as not all participants completed all questions, there is likely to be a slight participant bias in favour of those who chose to answer all questions, compared to those who did not. Likewise, although the recruiting method used a number of different outlets to reach participants, it is possible that due to the types of workshops and social media sites that were

targeted, the participants mainly represent the highly active and engaged members of professional communities. This potential effect is somewhat counterbalanced by the inclusion of the two professional groups in the same study, which is rarely attempted, as the police officers are likely to have worked with less engaged interpreters and the interpreters will have worked with less competent police officers, and their responses are likely to reflect this. Notwithstanding these limitations, the present study breaks new ground by providing insights into difficulties and concerns shared between and within groups of professionals as well as the points at which the views of the two groups diverge. The spread and strength of the issues detected, as well as their effects on communicative outcomes in this context, is one worthwhile line of investigation for the future.

Conclusion

As becomes clear from the present study, impartiality is an underlying concern in the way in which interpreters perceive and present themselves, and this was also expected of them from police officers. Although both police officers and interpreters have the common aim of achieving impartiality, their approaches relied on individualistic rather than collaborative strategies, increasing conflict when strategy was not shared with the other professional. As it stands, the pre-IAII briefing is not being used effectively for constructing a collaborative working relationship that could reduce conflicts due to the different role expectations, to the lack of trust and to emotional impact; rather, it is seen by the interpreters as an opportunity for individual preparation and by the police officers as a tool to (re-)exert and extend their control over the IAII. While both interpreters and police officers were aware in part that, by holding on to the ambitious aim of achieving absolute impartiality, their emotions could impact the quality of the IAII, the interpreters did not allow themselves to seek or accept emotional support, and the support offered by police officers was viewed as insufficient.

There remains a need to find out more about the impact these different perceptions have

on the way meaning is conveyed and interpreted within an IAI. Future research will need to address these issues by focusing, for example, upon what effect, if any, emotional involvement and coping strategies have on the reliability and quality of the information elicited during the IAI – an issue which will be explored in forthcoming chapters of the thesis.

Chapter 5 Study Three – Interview quality across language barriers

In the preceding chapters, issues pertaining to interpreted evidence in the courtroom, and conflicts of role, trust, and emotion between police officers and interpreters were explored. The evidence from the thematic analysis in Study Two suggested that police officers may hold preconceptions regarding the accuracy of the interpreting when working with interpreters. Furthermore, it was suggested that police officers felt they had a loss of control when conducting interviews with interpreters. The results of the previous study in context of research on bias within police interviews suggest that police officers may alter their approach to interviews when working with interpreters (see Study Two). The evidence from Study Two also suggests that police officers are concerned that interpreters fail to interpret interviews accurately. However, there is no evidence to support or deny this concern. Finally, emotional content in interpreted interviews has been suggested to be a significant issue when working with interpreters, and as interpreters stated they do not take action when feeling emotional during an interview, there is likely to be an impact. While this evidence strongly suggests that investigative interviews are likely to be significantly impacted when interpreters are required, there is a dearth of research which has examined what occurs within police interviews conducted in the field. The following study aims to reduce this gap in knowledge by examining authentic police interviews of victims and suspects of Modern Slavery and Human Trafficking (MSHT).

Legal interpreting errors - even seemingly small ones - can have severe impacts on the course of an investigation. It is, therefore, important to reduce the number of interpreting errors made in legal settings. However, complex language, which is especially common within legal language, can increase the difficulty of interpretation (Russell, 2000), and while using professionally qualified interpreters can help reduce interpreting errors, it does not eliminate

them (Berk-Seligson, 2007; Flores et al., 2003; Moser-Mercer et al., 1998). Interpretation becomes even more complex when accounting for the emotional experiences of the interviewee. Evidence suggests that interpreters are likely to be emotionally affected by interviews (Hsieh et al., 2010; Macdonald, 2015; Splevins et al., 2010), but interpreters report continuing with the interview despite their own feelings (see Study Two).

Guidance and training for investigators working with interpreters in the United Kingdom is being developed to improve the quality and accuracy of interpreted interviews, yet there is extremely limited literature concerning what factors increase the likelihood of interpreting errors. While emotion has been implicated as a factor that may create bias within an interpreted interview (e.g.; through increased errors, disruption of interview, etc.), this has largely been found in anecdotal and case study data (Lee, 2016; Mayfield, 2016; Salaets & Balogh, 2015a). Through empirical analysis of authentic police interviews with victims and suspects of MSHT crimes, the current study investigates the impact of an interpreter's presence on the quality and accuracy of interpreter-assisted investigative interviews, with particular focus on the potential impact of interpreter emotional bias.

PEACE Language and Quality

As explained in the review of the literature contained in this thesis, investigators in the United Kingdom are trained in the PEACE model of investigative interviewing, which was developed to increase the overall amount and accuracy of information provided during investigative interviews (Kelly et al., 2013; Shepherd & Griffiths, 2013; Walsh & Bull, 2010). As earlier noted, the PEACE model has five phases (1) preparation and planning, (2) engage and explain, (3) account, (4) challenge and clarify, (e) evaluate (see Information Gathering for full description). This phased approach to gathering information allows the interviewer to first prepare and build rapport, then obtain a full, uninterrupted account, before clarifying or challenging any potential ambiguities or inconsistencies in the account. The use of rapport

building, strategic questioning, and memory mnemonics developed within the PEACE model have been shown to reduce external influence (e.g.; investigator influence) on interviewee memory, ultimately reducing the likelihood of misinformation (Clarke & Milne, 2001; Fisher & Geiselman, 2010; Milne & Bull, 2002; Oxburgh & Ost, 2011; Oxburgh, Ost, Morris, & Cherryman, 2014; Walsh & Bull, 2011a; 2015; Wright, Nash, & Wade, 2015).

Questioning strategies advocated by PEACE promote the use of open-ended and probing questions. Research on open versus closed question types dates back to the early twentieth century, where it was found that open questions produced more information compared to closed questions (see Stern, 1903/04; Varendonck, 1911). Continued exploration of question types from this early research has established the general consensus that open-ended questions are more effective in increasing the amount of information provided by the interviewee, but also that certain types of questions (which allow the investigator to expand or clarify information provided by the interviewee) can also be considered appropriate, as they aid investigators in obtaining more detailed information (see Oxburgh, Myklebust, & Grant, 2010; Powell & Snow, 2007). For instance, Griffiths and Milne (2006) classify questions into eight types, split into three appropriate (open, probing, and appropriate closed) and five inappropriate (inappropriate closed, leading, multiple, forced choice, opinion/statement) (see Table 5.1 for full description). While there are a number of question typographies which classify question types according to their productive effectiveness in eliciting information, the Griffiths Question Map (GQM) created by Griffiths and Milne (2006) was developed using investigative interviews from the United Kingdom, and thus will be used for the purposes of this study.

Table 5.1. *Griffiths Question Map question types and definitions*

Category	Question Type	Definition	Example
Appropriate	1. Open questions	Allowing a full range of response	‘Describe everything that happened in the shop?’ or ‘Tell me about the argument with your wife?’
	2. Probing questions	More intrusive and requiring a more specific answer, usually commencing with the active which part of her body hit the ground words ‘who’, ‘what’, ‘why’, ‘where’, ‘when’ first? ‘which’ or ‘how’.	‘You said you pushed your wife over, answer, usually commencing with the active which part of her body hit the ground words ‘who’, ‘what’, ‘why’, ‘where’, ‘when’ first?’
	3. Appropriate closed	yes/no questions used at the conclusion of a topic where open and probing questions have the one time you have described? been exhausted.	‘Did you strike the other man more than topic where open and probing questions have the one time you have described?’
Inappropriate	4. Inappropriate closed	yes/no questions which could appear identical in wording to an ‘appropriate closed’ question you? but are used at the wrong point in the interview.	‘Was the man who pushed you known to in wording to an ‘appropriate closed’ question you?’
	5. Leading questions	Suggest an answer in formal content to an interviewee.	‘You are normally aggressive after drinking, aren’t you?’
	6. Multiple questions	Constitute a number of sub-questions asked at once. Multiple questions also include multiple inside and when did you first decide to concept questions.	‘How did you get there, what did you do steal the car?’ or ‘What did they look like?’
	7. Forced choice questions	Only offer the interviewee a limited number of possible responses	Did you kick or punch the other woman?’
	8. Opinion statement	or Posing an opinion or putting statements to an interviewee as opposed to asking a question	‘I think you did assault the other person.’

Open questions are generally considered the “gold standard”, but integrating open questions with other appropriate questions (see Table 5.1 above) can help prompt or further the narrative provided by the interviewee. In this manner, research suggests that it is not only question typology that is important, but also sequence (Griffiths & Milne, 2006). Investigating officers in the United Kingdom are advised to begin interviews with “Tell”, “Explain”, and “Describe” - also referred to as ‘TED’ questions, which can then be followed with probing questions to prompt further information. Probing questions are those that usually begin with ‘5Ws and H’ questions - “who?”, “what?”, “where?”, “why”, “when?”, and “how?”. These are considered *probing* questions as they prompt the interviewee to provide more detailed information, through minimal prompting from the interviewer (Griffiths & Milne, 2006; Oxburgh et al., 2010; Walsh & Bull, 2015).

As Oxburgh et al. (2010) note, there are numerous ways of categorizing question types. There is a common open-closed dichotomy of question types, which supports the standard

questioning techniques taught through the PEACE model, but these have been expanded in numerous ways. Unfortunately, this also means that often question typology can be quite vague and even contradictory. Investigators are instructed to ask open-ended questions, which are typically categorised as “appropriate” or “productive” questions, but it is possible to ask an open-ended question which is “inappropriate” or “non-productive”.

It should be noted that although there is a general academic consensus that a dichotomy of question types exists (i.e.; there are *appropriate* and *inappropriate* question types), there are also disagreements on question typologies. For example, there are multiple definitions of what constitutes an *open* or *probing* question (Oxburgh et al., 2010). However, as Walsh and Oxburgh (2008) note, the goal of an interview is to elicit accurate and relevant information from the interviewee, and thus the pertinent question is whether the question produces relevant and accurate information. Questions such as, “That must be difficult, mustn’t it?” are commonly considered inappropriate, as they are closed-ended (and leading) questions which require a minimal yes/no response. But, in this case, the *function* of the question is to exhibit empathy and thus build rapport – which has also been evidenced to elicit quantity and quality of information in interviews (Dhami, Goodman-Delahunty, & Desai, 2017; Ewens et al., 2014; Goodman-Delahunty & Howes, 2017; Vallano & Schreiber Compo, 2015).

The degree to which a question is productive or non-productive is ultimately dependent on the response it elicits from the interviewee, but it is difficult to determine the impact a question will have on an individual prior to an interview. Individual differences dictate that some people will naturally be more forthcoming with information than others, and while some individuals may need minimal prompting to provide sufficient detail, this may not ultimately work for others (Hudson, Satchell, & Adams-Quackenbush, 2018). Notwithstanding these challenges caused by question definitions and their apparent subjectivity, it has been consistently found that those questions categorised as “appropriate” or “productive” increase

the quantity and accuracy of information provided during investigative interviews (Oxburgh et al., 2010).

Even taking this into consideration, inappropriate questions which serve the function of an appropriate question or assist with rapport building should still be relatively infrequent, as although they may support the relationship between the interviewee and investigator, these are not the focus of the interview. It has been found that interviews classified as empathic (an element of rapport building – see Fisher & Geiselman, 1992; Norfolk, Birdi, & Walsh, 2007; Walsh & Bull, 2011b) use significantly more appropriate question types compared to interviews which were classified as non-empathic, which suggests that more appropriate question types would be expected with increased rapport building (Oxburgh et al., 2014). Thus, examining interviews according to the GQM can still give an overall impression of the quality of the interview based on how many appropriate versus inappropriate questions are asked during the course of the interview (and also how these question types are deployed strategically throughout the interview).

The GQM can be particularly useful as a forensic tool for expert witnesses in court, as it allows the expert witness to break the interview down into statistical components to identify how much of the interview was conducted poorly (Dodier & Denault, 2017). The GQM has been found to be effective when assessing the quality of monolingual interviews, but it has never (to the knowledge of the researcher) been used to assess the quality of interpreter-assisted investigative interviews. Question types are likely to be even more important during interpreter-assisted investigative interviews than monolingual interviews. As Filipović (2019) discusses, police questions are often difficult to answer, even in their original language. Police questions are aimed at obtaining specific evidentiary information, but in targeting specific information whilst reducing or eliminating possible bias, police officers can often come up with complex questions that can be difficult to comprehend.

When there is an added complexity of interpreting a question across to a different target language, there may well be an increased likelihood that there will be a language contrast (e.g. phrases or words which do not exist in the target language) or a misunderstanding by the interpreter as to the intended meaning of the sentence (de Pablos-Ortega, 2019). As a result, it is theorised that the presence of an interpreter may impact the PEACE model of questioning. Lai and Mulayim (2014) conducted a study examining question style maintenance for translated police questions. According to the New Zealand 2004 ‘Evidential Interviewing’ guidelines, interviewers are encouraged to use ‘how come?’ in place of ‘why?’ for children and vulnerable witnesses, as it is believed to be less accusatory. In their study, 11 interpreters were given three excerpts from interviews containing investigator questions. It was found that the interpreters altered “*how come*” questions to more accusatory “*why*” questions in approximately 50% of translations. Although the “*why*” translations maintained semantic meaning, it lost the form of the original “*how come*”. This finding suggests that interpreters may not always maintain the question type (e.g.; productive or non-productive) when interpreting police questions, which could impact the overall quality of the interpreted interview. As stated above, the matter of question types is not believed to have been explored within interpreted interviews. However, it may be that the effect is likely to be enhanced when interpreting rather than translating, due to the time pressures involved in live interpreting that might well lead to interpreters looking for efficient, rather than accurate, translation.

Misconstruing the question type is likely to impact the quality of the PEACE interviewing tactics, but this may be, at least in part, due to the fact that questions asked in investigative interviews can often be convoluted. In Filipović’s (2019) assessment of bilingual police interviews from UK constabulary, she discusses an example where one of the officers asks a suspect, “*The three other people you travelled with, did you speak to anyone else in the room?*”. The pragmatic complexity of the question makes it particularly difficult to interpret.

In the example, the speaker proposes a subject for the sentence, and then seemingly quickly moves on to another subject. Even in the original English, it is a complex sentence which suggests the speaker may have started one stream of questioning before switching to another. When coded on the GQM, this question would be classified as a closed question, which is considered an inappropriate question type. Inappropriate questions are, by their nature, more linguistically complex. Inappropriate questions can introduce multiple clauses (such as in multiple questions) and concepts (such as in leading questions) within the same question, which serve the function of producing specific desired answers or confusing the interviewee (Filipović, 2019; Oxburgh et al., 2010). Consider the following question that Filipović (2019) extracted from an interview;

“You commented that you knew yesterday when I wanted to speak to you what I was referring to, but if you thought that was all ok why would you know what I was talking about?” (Filipović, 2019, p.8)

The question contains multiple relative clauses, which make it exceedingly difficult to understand the officer’s meaning in the original English. The challenge posed to the interpreter is to (i) understand the semantic meaning the officer is trying to convey; then (ii) connect each clause to one another in the secondary language; whilst (iii) maintaining each clause’s relation to one another. The intricacy of this task, combined with the expected pressures enduring in the interview room make accurate interpretation of complex questions highly demanding. Thus, the type of question asked not only impacts the answer received, but also affects the phrasing – an issue particularly salient when using interpreters.

The issues outlined here indicate that it is not only important to assess how consistently question types are maintained through the interpreter, but that it is also important to consider the quality of questioning strategies used by investigators when conducting interviews with

interpreters. As observed with the inappropriate question type above, it has the potential to increase the linguistic complexity, and thus the potential likelihood of an interpreting error.

The (Un)emotional Interpreter

The structure and questioning tactics of the PEACE model not only focus on increasing the overall *amount* and *accuracy* of the information provided, but also to seek to reduce investigator bias. While the tactics of the PEACE model aim to reduce *investigator* bias and influence, the quality of interpreted interviews is also liable to be impacted by the interpreter. Police interviews can be highly emotionally evocative. Interpreters provide a voice for their clients' experiences, and will not only mimic the interviewee's words, but often the tone and expression as well (Hale, 2002; Nakane, 2011). In this manner, the interpreter can be seen as vicariously experiencing the memory along with the client (Lai, Heydon, & Mulayim, 2015; Macdonald, 2015; Splevins et al., 2010), which could have a significant impact on the interview.

Psychologists and persons who work in emotionally evocative roles have been known to experience vicarious trauma through their work (Barrington & Shakespeare-Finch, 2013; Lai et al., 2015; Lor, 2012). Public service interpreters are expected to maintain a neutral stance when assisting with interviews (Metropolitan Police, 2007; Nakane, 2009), but firsthand accounts from healthcare practitioners and investigators have unearthed experiences whereby the interpreters became so emotional during the course of the interview that the interpreter refused to continue (Salaets & Balogh, 2015b) or started describing their own emotional experiences (Splevins et al., 2010). It represents an inherent contradiction in the expectation of interpreter neutrality, as neutrality suggests that the interpreter can remain objective and yet language translation is itself a subjective task. Furthermore, evidence suggests that interpreters do struggle with remaining neutral when participating in public service interpreter (Garcés, 2015). The piecemeal evidence collected from practitioners working with interpreters suggests

that interpreters can and do become emotionally affected when engaging with clients, but no empirical evidence has investigated the impact emotional content has on the quality of the interpreting. In fact, it is even suggested that interpreters do little - if anything - to mitigate their emotions during investigative interviews (as was found in Study Two).

This finding suggests that interpreters are likely to engage in what is known as emotionally dissonant behaviours - displaying emotions which differ from their felt emotions (Hochschild, 1979; Zapf, 2002). As was discussed in greater length in the Literature Review of this thesis, emotional dissonance is a form of emotional management, in which persons attempt to change the quality or intensity of an emotion – a theory which was operationalised as “emotional work” by Hochschild (1979). Kruml and Geddes (2000) referred to emotion work as “emotional labour” when performed as a function of paid work and found that this loaded on two main factors: (1) emotional dissonance, and (2) emotive efforts. Emotional dissonance is an important element for customer facing emotional labour, as it enables the individual to present a cheerful or neutral demeanour to their client even if this differs from their true feeling. Within an interview, emotional dissonance behaviours may give the impression that the interpreter is entirely neutral, but salient research suggests that the cognitive effort involved in maintaining emotional dissonance is demanding and can reduce the quality of task performance (Karatepe & Aleshinloye, 2009; Kruml & Geddes, 2000; Pugh, Groth, & Hennig-Thurau, 2011). Engaging in emotional dissonance may also increase the likelihood that interpreters are unaware of their own biases. As with police officers, studies by Evans et al. (2016) have indicated that interpreters’ perceptions of suspects are affected by their own preconceptions. That is, interpreters, rated suspect statements as more indicative of guilt when they were led to believe that the suspect was guilty compared to when they believed the suspect to be innocent (or when they did not have any prior information about the suspect). Behavioural differences have also been found in investigators conducting monolingual interviews. Kassir

et al. (2003) conducted a study in which participants either committed a mock crime or participated in a neutral but related event. The participants were then interviewed by interviewers who were led to believe either most suspects are guilty or that most suspects are innocent. The interviews conducted were taped and rated by neutral observers. Kassin et al. (2003) found that when interviewers perceived the suspect to be guilty, interviewers asked more guilt presumptive questions, tried harder to obtain confessions (as rated by themselves and neutral observers), and the suspects they interviewed were perceived as more guilty by neutral observers. Similar results were also found by Hill, Memon, and McGeorge (2010). In Hill et al. (2010), participants were either told that 80% of students cheated in the scenario provided or that 80% of students did not cheat. The participants were then asked to write a list of questions they would ask the students suspected of cheating. Participants in the guilty expectation condition produced more guilt presumptive questions compared to participants in the innocent expectation condition.

If the behavioural alterations in questioning approaches that were found in those two studies are also found in interpreting contexts, it might suggest that interpreter bias is liable to impact the quality and accuracy of the interpreted evidence. This may be particularly relevant for emotional content, as interpreters affected by the content of the cases they interpret may form emotional biases. Such emotional bias may be related to interpreters' formed assumption of either the innocence or guilt stemming from the interviewee's words, but it may also be a case of discomfort - as in cases of violent interpersonal crimes such as rape - or even out of compassion, stemming from a desire to make their clients better understood. While these may be well intended aims, if it causes the interpreter to distort the interviewee's words, it may have a negative impact on the legal process. However, despite the implications from emotional dissonance and bias research (see Literature Review), there has yet to be any research investigating the behavioural impacts interpreter bias may have within an investigative

interview.

Summary

The distrust that exists between police officers and interpreters (Hsieh et al., 2010 and Study Two) combined with evidence regarding confirmation bias (Evans et al., 2016; Kassin et al., 2003) suggests that investigators are likely to alter their approaches to investigative interviews conducted with interpreters. While this can manifest in several ways, the present study seeks to investigate how investigator questioning types and techniques are altered when working with interpreters. Question types are not the sole indicator of the quality of a PEACE interview (others include the amount of information produced, effective rapport building, appropriate planning and preparation, effective debriefing – see Clarke & Milne, 2001). Nevertheless, question types are particularly relevant when working with interpreters because of the linguistic impact the structure of their questions may have. Furthermore, the planning and preparation stage, which typically contains the briefing – identified as a key phase within Study Two – is not recorded, and thus cannot be as effectively analysed. Based on the findings revealed in Study Two of the thesis, it is hypothesised that investigators will ask more inappropriate question types during interpreted interviews compared to non-interpreted interviews (Hypothesis 1).

Without explicit instructions on the appropriate way to interpret a particular utterance, interpreters are left to make a subjective judgement on the most effective way to communicate a particular utterance. Though interviewers are trained to structure their questioning style around the PEACE model, focusing on open-ended and probing questions (Clarke & Milne, 2001; Oxburgh et al., 2010; Shepherd & Griffiths, 2013), interpreters may not be aware of the importance of maintaining the style of questioning. As noted by Lai and Mulayim (2014), there was little consistency across interpreters when subjectively choosing between interpretations of semantics and structure. While it is important to examine whether investigators alter their

interviewing approach, it is equally important to determine if their questioning tactics are maintained through the interpretations. Therefore, the research in this study seeks to determine if question types are accurately maintained across the interpreted interview. It is hypothesised that question types will frequently not be maintained in the interpreted utterance (Hypothesis 2).

Beyond questioning tactics, interpreting quality and accuracy may also be affected by additional factors. What may be perceived as interpreting errors are likely to be increased when there is a lack of language equivalency. When terminologies, words or phrases etc. do not have an exact “match” across different languages, the interpreter is pressured (through time, for example) to provide an equivalent (de Pablos-Ortega, 2019). Research already suggests that colloquialisms, jargon, social variation, and insults are commonly neutralised and misconstrued when interpreted (Berk-Seligson, 2017; de Pablos-Ortega, 2019; Jacobsen, 2004; Krouglov, 1999), and this may be exacerbated by emotional content. Emotive speech will be more likely to contain colloquialisms, expletives, and be spoken in a rushed or incoherent manner if the person experiencing the emotion is quite agitated (de Pablos-Ortega, 2019; Kiguru, 2010). From a legal accuracy perspective, this may be considered an interpreting error, as the original semantic meaning may have become skewed. However, it is unknown how often interpreting errors actually impact the evidentiary evidence given. In their analysis of healthcare interpreting, Flores et al. (2003) differentiated between errors of medical consequence and errors of no medical consequence. Within legal settings, errors which impact evidence can be considered as errors of potential legal consequence. An interpreter may change the emphasis of the sentence or omit rapport building information, and while this might affect the overall interview (e.g.; by reducing either the amount or quality of information provided or by either introducing or increasing bias in the interview, etc.), it may not have additional legal ramifications. This can be a particularly salient issue in complex, transnational crimes,

involving foreign language speakers, such as Modern Slavery and Human Trafficking (MSHT) crimes, in which victims are not only targeted for their lack of education, poor local language knowledge, and other vulnerabilities (Reid & Jones, 2011; Sigmon, 2008), but also subjected to physical and psychological coercion (Baldwin, Eisenman, Sayles, Ryan, & Chuang, 2011; Baldwin, Fehrenbacher, & Eisenman, 2015).

While the findings in Study Two indicated that emotional content is likely to affect the interpreter (also found in Garcés, 2015; Splevins et al., 2010), the impact this might have on the quality and accuracy of the interpretations is largely unknown. Prior research has found that task performance is reduced when individuals are emotional (Zeelenberg, Wagenmakers, & Rotteveel, 2006). It is hypothesised in this study that there may be a similar consequence for interpreters. That is, interpreters are more likely to make interpreting errors when interpreting emotive content compared to non-emotive content (Hypothesis 3). Furthermore, as Filipović (2019) notes, errors in interpreting are likely to be related to the linguistic complexity of the questions being posed by the officers. As such, while emotion may influence interviews, the types of questions asked may also affect the error likelihood. It is, therefore hypothesised that there would be an increase in the number of interpreting errors when inappropriate question types are asked compared to appropriate question types (Hypothesis 4).

Finally, an additional factor which should be considered is time. Investigative interviews vary in length and can range up to several hours in length. According to Moser-Mercer et al. (1998), interpreting errors are likely to increase over the course of the first 30 minutes of interpreting, after which there is a plateau, and the number of interpreting errors remains approximately consistent for the remainder of the interpreting. Evidence from research suggests that prolonged engagement in cognitively demanding tasks will decrease performance over time (Barrouillet, Bernardin, & Camos, 2004), but minimal research has explored this within legal interpreting literature. It is thus hypothesised that there will be an increase in the

number of interpreting errors made over the course of the interpreting, such that as time increases, there will be a corresponding increase in the number of interpreting errors (Hypothesis 5).

Method

Ethical Considerations

As the data collected for this study included sensitive police material, the primary researcher underwent appropriate vetting and clearance procedures administered by the police before obtaining access to the records. Once police vetting was obtained, the data was collected from a Constabulary in England and Wales, with whom a research agreement had been created between the researcher and the Constabulary for the purpose of data collection and analysis. Within the research agreement, the Constabulary holds the rights to audit all the data processing with notice, but this only extends to compliance with the data protection regulations. The Constabulary had no involvement in the data analysis, nor the ability to influence the direction of the analysis of the content of the final analysis. The data agreement was submitted to the University's Business and Law Faculty Research Ethics Committee in order to obtain ethical approval for this study (which was duly given by that Committee). This has been omitted from the Appendices within this thesis to maintain the anonymity of the Constabulary, as requested within the data sharing agreement (though confirmation of this ethical approval can be sought from the Faculty Research Ethics Committee).

It is to be noted, under the Data Protection legislation, that the police Constabulary is the data owner of their recorded interviews. In such a situation, those interviewers are their employees and those being interviewed (or otherwise present in the interview) are not research participants in the traditional sense, but are data subjects. Thus, their permission is not required to participate in the research. However, anonymisation of all names by an edit of the interviews was undertaken prior to the analysis to protect their identity. The data was collected

anonymously to ensure confidentiality. In line with the Constabulary request, no information that would reveal the identity of the Constabulary at any stage of the study, and the participating Constabulary have been reassured that this is the case. All personal data has been redacted, with the exception of certain required crime and contextual details which were necessary for the research. Data was stored on a password encrypted USB drive which was not connected to any cloud-based servers. The encrypted external hard drive was stored in a secure location to which only the principal researcher had access.

All interviews supplied for the purposes of this research involved closed cases. The anonymised audio files were transcribed and back translated by professional interpreters registered with the National Register of Public Service Interpreters (NRPSI). NRPSI interpreters were used as the NRPSI ensures that all interpreters registered with them have appropriate qualifications and experience to be involved in public service interpreting. While the sections of the interviews which were viewed by the interpreters providing back-translations already had any identifying information removed, the interpreters used were also verified by the researcher to have the appropriate security and vetting clearances to enable them to work with police data to ensure data protection and security was maintained.

There were additional concerns that due to the content of the interviews, there may be some psychological distress through vicarious trauma. With regard to the researcher, the Student Well-Being service at the University was on hand if there was a need for guidance or counselling. In addition, the researcher held regular debrief sessions, to discuss well-being and research impacts with another member of university staff to maintain sight and address any adverse impacts from engaging in the research. Interpreters involved in the research were debriefed by the researcher, and advised of external resources they could contact if they felt they were adversely affected by participating in the research.

Data Subjects

After obtaining ethical clearance from the University for this study, several police constabularies across the United Kingdom were contacted to participate. Two constabularies in England agreed to provide data for the purpose of this research. Data was reviewed on police premises, and video files were sanitised. The files were anonymised by extracting audio and removing all identifying or sensitive information.

Interviews provided by participating constabularies were based upon the criteria set by the researcher that interviews should include either interpreters or sexual assault. A sample of 23 bilingual and monolingual police interviews conducted by the police was provided for the study. There were, firstly, six interviewees with Romanian interpreters in attendance (one involving a female victim, three conducted with female suspects, and two undertaken with male suspects). There were also a further six interviews with Hungarian interpreters in attendance (three with female victims, two conducted with male suspects, and one undertaken with a female suspect). All 12 of these interviews involved consecutive interpreting. The training and experience of the interpreters used in these interviews were not recorded and could not be determined post hoc. Of the 11 monolingual interviews, one was conducted with a female, who was suspected of human sex trafficking and another was with a female victim of sexual assault. The other nine monolingual interviews were undertaken with male perpetrators of sexual assault.

Interpretation of Translation

Interpreters (employed by the researcher) conducted the back-translation (i.e.; performed a secondary English translation of the original speech utterances) and were instructed to provide the most literal interpretation available. Interpreting errors were coded by the primary researcher, with 20% of the sample coded by a second independent rater. The raters

coded the errors by comparing the original English interpretation to the transcribed back-translation.

Due to the extensive amount of data available and limited funding available for back-translation, as all interviews included were a minimum of one hour in length, a systematic sampling method was used to select 40 minutes of audio for each interview, with 20 minutes containing discussion involving emotive content (e.g.; sexual activities, insults, swearing, etc.) and 20 minutes containing no emotive content (e.g.; explanation of the caution, discussing address, etc.). Previous research has suggested that interpreting accuracy decreases after 30 minutes of continuous interpreting (Moser-Mercer et al., 1998). To account for this potential discrepancy, two 10-minutes randomly selected samples were taken from within the first 30 minutes of the interview (one with emotive content, one with no emotive content), and a further two 10-minute randomly selected samples were taken from later on in each interview (i.e. after the first 30 minutes) (one with emotive content, one with no emotive content). All segments were selected from the same continuous period of interviewing, so as to avoid any impact breaks within the interview might have on the quality of the interpreting. The first segment from each interview was always the introductory explanation or caution by the investigator, as this is a consistent element across all interviews, and would allow a baseline for interpreting to be established. Segmenting audio files to conduct error analysis on portions of the file has previously been used in interpreting samples and found to be an effective sampling method (Moser-Mercer et al., 1998). The same sampling methodology used to obtain segments for the interpreted interviews was used for the monolingual interviews.

Research Design

Griffith Question Map

Assessing the quality of an investigative interview can be a labour-intensive process as the numerous elements involved all require assessment in order to provide a full picture of the

interview quality. In the United Kingdom, the quality of an investigative interview is commonly discussed in relation to how well it adheres to the PEACE guidelines. However, as previously discussed, PEACE involves a number of complex steps, not all of which are easily measurable (see Clarke & Milne, 2001). The planning and preparation phase and the evaluation phase, for instance, are often conducted outside of the interview room, and thus there is no available record for researchers to evaluate the degree to which effective planning, preparation, or evaluation occurs in real life scenarios. Studies have sought to assess rapport-building (see Vallano & Compo, 2011; Vanderhallen, Vervaeke, & Holmberg, 2011; Walsh & Bull, 2011b), but rapport building only constitutes one aspect of the interview, and does not alone constitute effective interviewing techniques. Quantity and quality of information are often used as measurements in experimental designs (see Houston et al., 2017; Houston, Clifford, Phillips, & Memon, 2013; Hudson, Vrij, Akehurst, & Hope, 2019; Vrij et al., 2008; 2014), but these are more problematic measures when analyzing authentic police data, as researchers cannot always assess the accuracy of information provided.

One approach in assessing the quality of PEACE interviews is the evaluation of question types. As previously noted, open-ended questions have consistently been found to increase the quantity and accuracy of information from interviewees (e.g.; see Oxburgh et al., 2010). It is especially important to use open questions during interviews with vulnerable persons who are easily influenced (Bull, 2011; 2013). For instance, children are more susceptible to leading questions than adults, as leading questions imply there is a specific answer that the adult interviewing them is looking for (Holliday, Brainerd, & Reyna, 2008; Sharman & Powell, 2011). While avoiding question types that suggest or imply an answer is particularly important for vulnerable populations, they have also been shown to be effective at producing more accurate information from adults (Sharman & Powell, 2011).

Question typologies, such as those used in the GQM, have been found as a measure to evaluate adherence to PEACE model interviewing (e.g. Clarke & Milne, 2001; Dodier & Denault, 2017; Griffiths, 2008; Griffiths, Milne, & Cherryman, 2011; Milne & Bull, 2002; Shepherd & Griffiths, 2013; Walsh & Bull, 2015). In the present study, the GQM was used to assess the quality of the interview in both languages. That is, question types were coded in the original English utterance, and then coded a second time in the back-translated interpreted utterance. Interpreters must sometimes choose between maintaining semantics (i.e.; the meaning of the sentence) or structure (i.e.; the number, order, and type of the clauses within the sentence), and research has not found a consistent choice of whether semantics or structure is more likely to be maintained (see Lai & Mulayim, 2014). As the question typology has been found to be important for increasing accuracy and the overall amount of information in an investigative interview, it is important to see how well this is maintained through an interpreter. Additionally, the use of appropriate questions is one of the core techniques taught to police officers through the PEACE model of interviewing, and thus assessing the degree to which appropriate questions are used provides some insight into how well PEACE interviewing techniques are maintained through an interpreter.

In Study Two, it was found that the mere presence of an interpreter can disrupt the normal flow of an interview, and potentially cause bias. In order to assess this, the original English utterances were coded on the GQM and then later compared to non-interpreted interviews. Those non-interpreted interviews that were used for comparison were matched on similar crime types. The interpreted interviews all involved human sex trafficking crimes, however as victims of human trafficking are often exploited for their vulnerabilities – one of which being lack of local language knowledge (Baldwin et al., 2015) – there were insufficient non-interpreted interviews with English speaking victims and perpetrators of human trafficking crimes. In order to compensate for this, additional interviews involving victims and

perpetrators of alleged sexual assault were included. Both sex trafficking and sexual assault involve similar levels of trauma (American Psychological Association, 2013; College of Policing, 2017; Serious Crimes Act, 2007), and the inclusion of sexual assault within both of these crimes make them appropriate for comparison.

Error Coding

The preliminary phase of this study seeks to develop a novel coding framework, hereafter referred to as the Index of Legal Interpreting Errors (I-LIE). Using interpreter error coding frameworks developed by Flores et al. (2003), the I-LIE framework enables coders to detect all forms of interpreting errors and assess their legal impact (see immediately below for a detailed explanation of the framework). Flores et al. (2003) categorise interpreting errors into five categories. The first four, i.e. (1) omission, (2) addition, (3) substitution, and (4) editorialisation, are based on definitions and categories used in previous interpreting research work (e.g.; Moser-Mercer et al., 1998) – see Table 5.2 for definitions and examples of each. Flores et al. (2003) also added a fifth category of false fluency to account for instances where interpreters used a word/phrase that does not exist in the target language. The researcher coded the entire data set, with 20% of the data set then coded by an independent secondary rater (blind of the researcher) to assess interrater reliability. The two raters initially coded one segment jointly to ensure understanding of the coding framework. It was felt that the “Clarification” error should be included within the novel framework, as there were instances where the interpreter had clearly made an error of another type (see Table 5.2), but corrected it within the same utterance. It was felt this should be categorised separate from other error types.

Table 5.2. *Index of legal interpreting errors (I-LIE)*

Error Type	Explanation	Example	
		Original Utterance	Interpreted Utterance
Omission	The interpreter did not interpret a word/phrase uttered by the interviewee/investigator	<i>"I went to the grocery store and spoke to my friend and bought ice cream."</i>	<i>"I went to the grocery store and spoke to my friend."</i>
Addition	The interpreter added a word/phrase to the interpretation that was not uttered by the interviewee/investigator	<i>"My friend said it was a good deal."</i>	<i>"My friend Jessica said it was a good deal."</i>
Substitution	The interpreter substituted a word/phrase for a different word/phrase uttered by the interviewee/investigator	<i>"How did you leave the party."</i>	<i>"Why did you leave the party."</i>
Editorialisation	The interpreter provided his or her own personal views as the interpretation of a word/phrase uttered by the interviewee/investigator	<i>"The kids were just partying."</i>	<i>"She says the kids were partying but I think she means playing."</i>
Summarisation	The interpreter summarised a series of phrases uttered by the interviewee/investigator into more succinct phrasing	<i>"I went to the grocery store and spoke to my friend and bought ice cream – around 4 pm, I think."</i>	<i>"I went to the grocery store."</i>
False Fluency	The interpreter used an incorrect word/phrase or word/phrase that does not exist in that particular language.	<i>"The doctor suggested I have a hysterectomy."</i>	<i>"The doctor suggested I undergo a hysterical surgery."</i>
Clarification	The interpreter speaks independently to check the meaning or request information to be repeated/corrects an interpreting error as it has been made	<i>(interviewee speaks very softly or mumbles)</i>	<i>"Interpreter speaking – can you repeat what you just said?"</i>
		<i>OR</i> <i>"I walked to the shop."</i>	<i>OR</i> <i>"I ran to the... sorry, walked to the shop."</i>

In addition to seven error categories, the I-LIE also includes a novel categorisation, which classifies the errors as having either potential legal consequences or having no legal consequences. Research by Hayes and Hale (2010) indicate that judges consider interpreting errors to have legal consequences if (i) poor interpreting effectively prevents the applicant from giving evidence; (ii) errors in interpreting are material to conclusions made by judges/tribunal; and (iii) errors or poor interpreting resulted in the trial miscarrying. The I-LIE used these guidelines as the basis for categorisation, categorising errors as either errors of no legal consequence (no potential legal ramifications) or errors of legal consequence (possible legal

ramifications). Errors were labeled as having legal consequence if the error skewed, omitted, or changed evidentiary or legal information in any fashion (see Table 5.3 for examples). This was considered a “potential” consequence as if the answer was later clarified or corrected; legal consequences could be avoided. For instance, in the example “My friend Jessica said it was a good deal” interpreted as “My friend said it was a good deal”, if the officer probed the interviewee to provide the friend’s name, the matter would be clarified. However, it is still considered a potential consequence, since there was clarification sought by the interviewing officer in the interview.

Table 5.3. *Legal consequence coding of I-LIE*

Consequence	Explanation	Example	
		Original Utterance	Interpreted Utterance
Potential legal consequence	Evidentiary or legal information is skewed in some fashion. For instance; i) descriptions of persons/locations are altered, ii) timelines are skewed, iii) legal rights or jargon is changed	<i>“My friend Jessica said it a good deal.”</i>	<i>“My friend said it was a good deal.”</i>
		<i>OR</i>	<i>OR</i>
		<i>“The caution states that you do not have to say anything.”</i>	<i>“The caution states that you mustn’t say anything.”</i>
No potential legal consequence	An interpreting error was identified, but it does not skew any evidential or legal information	<i>“The weather is lovely today.”</i>	<i>(not interpreted)</i>
		<i>OR</i>	<i>OR</i>
		<i>“That’s not true.”</i>	<i>“That’s not true, it can’t be.”</i>

Interpreted speech was removed from audio/video tapes and professional translators were requested to provide English transcriptions of the original speech. Translation is typically considered more accurate than interpretation, due to the lack of time pressure. Consequently, translators can look up words or phrases they are unfamiliar with, although there is no absolute way to know for certain if the translations are indeed more accurate than the original interpretations. Finally, the matter that professional interpreters, accredited with the NRPSI were used to undertake interpretation/translation duties (and that their endeavours were

subjected to inter-rater reliability measures) should provide reasonable confidence as to their accuracy.

The issue of establishing interpreting errors was tackled in several ways. First, the translators who worked on the text were instructed to provide the most literal translations of the original utterances. Next, raters only coded errors only if they deviated significantly from the original utterance. For instance, if the original utterance was “hello” but the interpreter had rendered this as “good morning”, this was not coded as an interpreting error as this is a plausible interpretation. If the original utterance was “hello, my name is John” but the interpreter rendered this as “my name is John”, this was coded as an error because there was a clear omission of information. However, as de Pablos-Ortega (2019) notes, multiple interpretations or translations of the same sentence can all be considered accurate. The addition of a legal consequence framework helped to stabilise this framework. While any interpreting error decreases the quality of the interpreting, as it can skew meaning, not all errors are “equal”. In the above example, omitting “hello” from the interpretation is an error, but it would not affect any details relevant to an investigation and thus would be classed as an error of no potential legal consequence. The ranking of errors according to seriousness allows for the inclusion of minor errors, which might be attributed to subjective differences, but enable identification of errors which are likely to cause serious miscommunications and thus potentially affect the quality of the information gathered from interviewees.

Finally, if the researcher ever determined there was ambiguity regarding the error classification during coding, the interpreter who conducted the back-translation was contacted and asked to comment on the viability of potential errors. Thus, the severity of the interpreting errors being made can be understood by assessing them as either having no potential legal consequence or having potential legal consequence. A similar methodology was used by Flores

et al. (2003) in which they assessed errors having a potential medical impact or no potential medical impact.

Emotion Coding

As previously noted, the interview tapes were scanned by the primary researcher to select two segments which included discussion of emotionally evocative topics, and two sections which did not include discussion of emotionally evocative topics. Topics were classified as emotionally evocative based on their association with trauma and PTSD, as indicated by previous research (Carlier, et al., 2000; Kilpatrick et al., 1989; Powell et al., 2014). However, over the course of the selected segments, not all utterances were related to their being emotionally evocative. For instance, in one of the segments, the interviewee goes from discussing her work as a prostitute to requesting a smoke break. Also, as the segments necessarily had to come from different time slots within the interview, there was a potential confound of time. In order to assess the impact of emotional bias on interpreting quality, each utterance was coded as either "emotionally evocative" or "neutral". An utterance was considered "emotionally evocative" if it included discussion of sensitive topics (i.e.; sex, violence, etc.) or emotions (i.e.; "I felt happy", "did you feel angry?", etc.). Emotive utterances could be positive or negative, and neutral utterances were neither positive nor negative.

Interrater Reliability

Interrater reliability was assessed using Cohen's Kappa, with a random selection of 25% ($n = 894$) of the utterances coded by a second rater. The raters, fluent only in English, used the I-LIE to compare original interpretations to the transcribed interpretations and assess the number of errors. Raters did not assess errors within the Romanian or Hungarian utterances, only discrepancies between the original English utterances and the back-translated in English. Raters first went through one interview jointly, discussing the appropriate GQM and error type for each utterance.

Raters independently coded the remaining interviews, and discrepancies were resolved through discussion. There was found a substantial interrater agreement on the interviewer GQM ($\kappa = 0.69, p < .001$), interpreter GQM ($\kappa = 0.68, p < .001$), error rating ($\kappa = 0.81, p < .001$) legal consequence ($\kappa = 0.77, p < .001$), and emotion ($\kappa = 0.80, p < .001$). Cohen originally proposed that kappa values between 0.61-0.80 be interpreted as having “substantial” agreement and values between 0.81-1.00 had “almost perfect” agreement. It has been disputed that this is too generous, and a more conservative estimate would indicate that a kappa value of 0.69 should be considered “moderate” and a value of 0.81 should be considered “strong” (McHugh, 2012). However, the values represented here are still well within the acceptable range, which suggests that the GQM and the I-LIE are consistent measures.

Results

Results were analysed using chi-square analysis of variance. The data set used for the present research involved categorical data sets, which were nominal (GQM and I-LIE) and ordinal (time code, and error severity). Chi-square analysis of variance was used as this examines relationships in frequency for categorical data sets. Where data sets used ordinal values, the linear-by-linear association was also observed, as this informs whether there is a correlational relationship between the categorical variables.

Monolingual versus Interpreted GQM

In the total sample of interpreted interviews, after being interpreted, 65.9% of questions were appropriate questions (3.2% open, 37.8% probing, and 25.0% appropriate closed), and 34.1% of questions were inappropriate questions (7.8% closed, 17.6% leading, 3.3% multiple, 1.4% forced choice, and 4.1% opinion). In the total sample of monolingual interviews, 92.8% of questions were appropriate questions (6.4% open, 44.2% probing, and 42.2% appropriate closed), and 7.2% of questions were inappropriate questions (1.0% closed, 2.9% leading, 1.2% multiple, 0.4% forced choice, and 1.5% opinion). Chi-square analysis was used to assess the

frequency of appropriate and inappropriate question types as a factor of whether an interpreter was required for the interview. There was a significant association between the question category (appropriate vs inappropriate) and requirement for an interpreter (interpreter vs no interpreter), $\chi^2(1, 5289) = 52.83, p < .001, \phi = -.10$, such that there were significantly more inappropriate question types were used in interviews with interpreters (34.1%, $n = 334$) compared to interviews without interpreters (7.2%, $n = 118$).

Interpreted GQM

Consistency Across Interpreting

Cohen's Kappa was also used to assess the consistency of interpreted questions. It was hypothesised that interpreters might alter the question type when interpreting as they are not necessarily aware of the impact the question types may have on the quality of the interview (Hypothesis 1). Cohen's Kappa revealed that there was extremely high agreement between interviewer GQM and interpreter GQM ($\kappa = 0.92, p < .001$), which is considered almost perfect agreement (Cohen, 1960; McHugh, 2012). This suggests that interpreters are likely to maintain the question type across the language barrier.

Question Type and Error Frequency

It was assessed as to whether the type of question (open, probing, appropriate closed, closed, leading, multiple, forced choice, or opinion) affected the likelihood and degree of error severity. Chi-square analysis was conducted to compare the GQM question type on the legal consequence of the error (no error, legal consequence, no legal consequence). There was a significant association between GQM question type and the degree of legal consequence, $\chi^2(1, 934) = 86.61, p < .001, \phi = -.00$ (Table 5.4). Open, leading, multiple, and forced choice questions all produced a higher frequency of errors of no consequence compared to other

question types, and leading, multiple and opinion questions all produced significantly more errors of potential legal consequence compared to other question types.

Table 5.4. *Error severity of GQM question types*

Category	Question Type	Legal Consequence		
		No Error	No	Yes
Appropriate	1. Open questions	64.5%	29.0%	6.5%
	2. Probing questions	74.2%	14.9%	10.9%
	3. Appropriate closed	72.8%	14.4%	12.8%
Inappropriate	4. Inappropriate closed	75.0%	15.8%	9.2%
	5. Leading questions	66.9%	18.6%	14.5%
	6. Multiple questions	53.1%	31.3%	15.6%
	7. Forced choice questions	50.0%	50.0%	0.0%
	8. Opinion or statement	72.5%	12.5%	15.0%
Overall		71.2%	16.9%	11.9%

Error Type and Consequence

Across the 12 interpreted interviews, there were a total of 3,777 utterances, of which, 33.5% ($n = 1,264$) utterances contained errors. There were 511 errors of legal consequence (40.4%) and 753 errors of no legal consequence (59.6%). Within the error types, 39.0% ($n = 493$) were omission errors, 18.2% ($n = 230$) were addition errors, 17.8% ($n = 225$) were substitution errors, 15.3% ($n = 193$) were editorialisation errors, 0.9% ($n = 11$) were false fluency errors, and 8.9% ($n = 112$) were clarification errors. Chi-square analysis of variance was used to assess if there was a relationship between the type of error as categorised on the I-LIE in relation to the error severity (potential legal consequence vs no legal consequence). There was a significant relationship between the type of error and the error severity, $\chi^2 (5, 1264) = 55.23, p < .001, \phi = .21$, such that omission, substitution, and editorialisation errors were more likely to result in errors of potential legal consequence.

Errors and Emotion

Chi-square analysis was also used to determine if there was a relationship between the emotion of utterances (emotive vs neutral) and the frequency of errors of potential legal

consequence. Analysis indicated that there was a significant relationship between the emotive utterances and frequency of errors of potential legal consequences, $\chi^2 (2, 3762) = 37.50, p < .001, \phi = .10$. The linear-by-linear association was also significant, $\chi^2 (1, 3762) = 20.58, p < .001$, which suggests that the severity of error increases as a factor of the emotional content. Interviewer GQM was also assessed to see if there was a relationship between question category (appropriate vs inappropriate) and emotion (emotive vs neutral). There was also a significant relationship between interpreter questioning category and emotive content, $\chi^2 (1, 980) = 21.32, p < .001, \phi = -.147$, such that there were significantly more inappropriate questions asked when the utterance was emotive compared to neutral utterances.

Errors and Time

As previous research suggested that errors in interpreting increase until approximately 30 minutes into interpreting, after which a plateau was seen (Moser-Mercer et al., 1998), chi-square analysis was conducted to determine if there was a relationship between time (less than 30 minutes interpreting vs more than 30 minutes of interpreting) and the severity of legal consequence (no error vs no legal consequence, vs potential legal consequence). Each interview extract contained both emotive utterances and non-emotive utterances; thus, for this analysis, the interview extracts are assessed based on where in the interview, the segment was extracted from. Time 1 and Time 2 were both extracted from the first 30-minutes of the interview (with the Time 1 extract preceding the Time 2 extract), and Time 3 and Time 4 were both extracted from after the first 30-minutes of the interview (with the Time 3 extract preceding the Time 4 extract). The analysis suggested that there was a significant relationship between time and error frequency, $\chi^2 (6, 3456) = 38.11, p < .001, \phi = .11$, such that there were significantly fewer errors of potential legal consequence at Time 1 when compared to all other times (see Table 5.5).

Table 5.5. *Error severity over time*

	<u>No error</u>		<u>No legal consequence</u>		<u>Potential legal consequence</u>	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Time 1	619	73.9%	152	18.1%	67	8.0%
Time 2	558	64.6%	171	19.8%	135	15.6%
Time 3	540	62.6%	198	22.8%	129	14.9%
Time 4	594	67.0%	170	19.2%	123	13.9%
Total	2311	66.9%	691	20.0%	454	13.1%

Discussion

Previous literature identified a number of difficulties interpreters and police officers face when conducting interpreter-assisted investigative interviews, highlighting problems of distrust between the investigator and interpreter (see Study Two, Hsieh et al., 2010, and Loach, 2019), role discrepancies (Mayfield, 2016; Nakane, 2009; 2011; Salaets & Balogh, 2015b), and emotion (Garcés, 2015; Lor, 2012; Splevins et al., 2010). It has been hypothesised that these difficulties may impact the quality and accuracy of the interpreted interview, but until now, there has been no empirical research to support these hypotheses. The findings from this study support the claims that police officers approach interpreted interviews differently compared to non-interpreted interviews, and find that factors such as question type, emotion, and time affect the accuracy of the interpretations. The implications for police practice are discussed, with suggestions on how investigators and interpreters can improve quality in practice.

The Griffiths Question Map

It was hypothesised (Hypothesis 1) that police officers' distrust of interpreters, particularly in relation to the accuracy of their interpreting, would lead to investigators altering their approaches to investigative interviews with interpreters (see Study Two). As language and linguistic analysis is a key component of interpreted interviews, this was examined in relation to the investigator's questioning techniques as assessed on the GQM. The GQM analysis found that there were significantly more inappropriate question types during interpreted interviews compared to non-interpreted interviews. This supports the hypothesis

developed in Study Two, where it was theorised that the alteration in questioning styles would be related to the investigator's desire to reassert control over the interview. As Salaets and Balogh (2015) note, the presence of an interpreter necessarily requires the investigator to hand over partial control - and therefore trust - to the interpreter, however, control can potentially be reasserted through strategic questioning. Inappropriate questions are considered "non-productive" because they have consistently been found to elicit less information from the interviewee (Oxburgh et al., 2010; 2014; Powell & Snow, 2007). Indeed, the typical "aim" of leading or inappropriate closed questions is to elicit a specific answer from the interviewee (Oxburgh et al., 2010). Thus, the increase in inappropriate question types may be related to police officers' belief that their questions are not being accurately rendered into the interpreted language, as inappropriate questions require a more specific answer, providing interviewees with more directionality for their responses (e.g.; leading and inappropriate closed questions). In this manner, the police officer can exert more control over the directionality of the interview, which, again, would support the theory that was initially developed in Study Two.

However, if the questioning style is not maintained accurately through the interpreter, the issue of whether the investigator is asking appropriate questions or not becomes somewhat irrelevant. This was the basis for Hypothesis 2, which theorised that question types would not be accurately maintained by the interpreter. Conversely, the study found high consistency of the GQM type between interviewers and interpreters, suggesting that the original questioning style of the officer is consistently maintained across the language barriers. Whilst the presence of an interpreter was found to impact the questioning strategies, the findings suggest that interpreters themselves do not change the questioning strategy initiated by the investigator. Thus, it would suggest that PEACE questioning techniques for investigative interviews are not as well maintained by police officers in interpreted interviews compared to monolingual interviews.

GQM and Error Frequency

The results from the investigator and interpreter GQM analysis seem to imply that it is the investigator alone that is associated with decreases in productive interviewing techniques (i.e.; questioning strategies). However, maintaining the question *type* does not necessarily mean that the overall statement was still accurately interpreted. As Lai and Mulayim (2013) discuss, interpreters must often choose between structure and semantics. Thus, while the maintenance of question types suggests the *structure* has been maintained, this does not inform us whether the *semantics* have been maintained. It should, therefore, be considered that the increase in the number of inappropriate questions may be related to the difficulties in the interpretation. Questions asked by police officers are often linguistically difficult, as noted by Filipović (2019), which may influence the ability of the interpreter to render the statement into the target second language accurately. Inappropriate question types are likely to be more linguistically difficult as they contain multiple classes (e.g.; multiple questions) or imply directionality (e.g.; leading questions) (Filipović, 2019; Oxburgh et al., 2010). Indeed, the analysis found a significant relationship between the GQM type and the error severity, in which the linear-by-linear correlation suggested that error severity increased with the severity of the question type (see Table 5.4 for severity of questions/errors). Out of 934 utterances, the percentage of error for any question type (errors of legal consequence or errors of no legal consequence) was 28.8%. When examining the individual question types, open questions, leading questions, multiple questions, and forced choice questions were all more likely to produce errors of no legal consequence compared to other question types. Furthermore, there was a significantly higher frequency of errors of legal consequence when interviewers used leading questions, multiple questions, or opinion statements than when they used open questions, probing questions, appropriate/inappropriate closed questions, forced-choice questions, or opinions.

It is worth considering the possibility whether a reciprocal relationship exists between errors of potential legal consequence and use of inappropriate questions. If it is to be accepted that linguistically difficult questions posed by the officer increase the difficulty (and thus, potentially accuracy) of interpretation, as Filipović (2019) suggests, this, in turn, increases the likelihood that the rendering is misunderstood by the interviewee. The interviewee may then provide an insufficient or vague response. Subsequently, the officer may assume that the response from the interviewee is either i) an inherent misunderstanding of the original question, ii) an interpreting error, or iii) purposefully strategic miscomprehension (as discussed in Study Two of this thesis). This self-perpetuating cycle of events is theorised by the researcher to create an ‘error feedback loop’. Evidence of this occurrence can be found in the following interview extract:

Table 5.6. *Interview extract – Romanian female victim*

1	Officer:	<i>So just take your time, and just describe what happened. Just use your own words.</i>
2		<i>Don't worry</i>
3	Interpreter:	<i>So don't rush and describe what happened. In your own words. No problem</i>
4		
5	Victim:	<i>Well he was on top of me, he asked me to put a condom on him, I didn't know how to</i>
6		<i>put it on. Yes, and then he tried to have sex you know, to insert</i>
7	Interpreter:	<i>So he was on top of me, he asked me to put a condom on, I didn't know how to put it</i>
8		<i>on. And..then he tried to have sex with me, to introduce, to insert. Ummm</i>
9		
10	Officer:	<i>When you say, tried to have sex, can you explain what you mean by tried</i>
11	Interpreter:	<i>When you say he tried to have sex, what are you referring to, what are you saying?</i>
12		
13	Victim:	<i>Meaning I was trying to keep him as far away from me as possible</i>
14	Interpreter:	<i>I was trying to keep him as far away as possible from me</i>
15		
16	Officer:	<i>At any point had she touched him, did..had she put her hand on his penis, was he a-</i>
17		<i>aroused, was he hard</i>
18	Interpreter:	<i>Have you tried at some point or did you touch him or was he excited?</i>
19		
20	Victim:	<i>Yes, Yes. I tried to push him away because he was on top of me and I no longer had</i>
21		<i>air, he was very fat, very big</i>
22	Interpreter:	<i>I was trying to push him away because he was on top of me and I couldn't breathe</i>
23		<i>properly he was also very big</i>
24		
25	Officer:	<i>At any point did he penetrate your body?</i>
26	Interpreter:	<i>At some point did he penetrate your body?</i>
27		
28	Victim:	<i>Umm I don't understand</i>
29	Interpreter:	<i>I don't understand</i>
30		
31	Officer:	<i>At any point did he manage to insert his penis into your vagina?</i>
32	Interpreter:	<i>Did he manage to insert the penis in the vagina at any time?</i>

- 33
34 Victim: *Yes, at one point yes*
35 Interpreter: *Yes, at some point, yes*
36
37 Officer: *And did he penetrate any other part of your body, for instance, your anus or your*
38 *mouth?*
39 Interpreter: *And did he also penetrate any other parts of your body, for example?*

If this exchange is examined from the officer's perspective, (and focussing only upon examining the officer's original utterances and the interpreted renderings of the interviewee's speech), it is considered understandable as to why the officer might be attempting to exert control on the interview. The officer begins by asking an open-ended question, asking the victim to describe what has happened to her, building rapport, and encouraging the victim to take her time in providing an account. There is an additional probing question (line 10), which also still falls within the realm of appropriate question types as classified by the GQM. It becomes clear, however, in line 13, that the victim appears not to comprehend what the officer is asking. The officer attempts to aid the victim's understanding, but rather than continuing to ask a probing question, the officer switches to a multiple question type (line 16) and uses a third person narrative, as if to ask the interpreter to assist in explaining the meaning to the victim. Although the victim continues to try and describe the situation, it is clear that it is veering off course from what the investigator is seeking to establish (i.e. whether penetrative sexual intercourse has occurred), and so the interviewer again narrows the question to an even more specific leading question (line 25). In attempting to rephrase the question to obtain the salient information, the officer, seeking to make the question less ambiguous, has started to utilise inappropriate question types in place of appropriate ones.

Having considered the exchange solely from the officer's perspective, when the full exchange is examined, including the interviewee's original utterances and the investigator's interpreted utterances, the difficulty in the exchange can be understood. The officer's question at line 10, while appropriate, is somewhat ambiguous, which can create difficulty for

interpretation. Directionality and intent are necessary to create meaning within certain languages, so when directionality is absent in speech, the ambiguity can make it hard to render accurately (de Pablos-Ortega, 2019). Indeed, the interpreter appears to struggle to convey this information, as the interpreter makes multiple attempts to render the question appropriate (line 11). The resulting question ends up changing the originally probing question into a multiple question. The interpreted question is now even more ambiguous, and the victim approximates what she thinks the officer is asking of her, likely replying to the interpreter's "what are you saying?" query, and ultimately provides a seemingly off-topic response to the investigator (line 13). An error feedback loop has started since the original probing question has been changed, interpreting errors have occurred, and the officer then asks inappropriate questions. Musolff (2019) discusses a similar feature within police interviews, which he refers to as metacommunication. Musolff (2019) provides an example in which a police officer is attempting to establish a timeline with a suspect. While the officer has information from the vehicle's Sat Nav about the exact timings and locations, the suspect continually provides vague answers – such as 'midday' or '10ish'. The officer believes the suspect to be evasive and continues to ask more direct and inappropriate questions. It later becomes apparent that the suspect is being vague about the timings because he did not have a watch when moving from locations, and thus can only estimate. As with the example given from the present study, it is not recognised that there is a misunderstanding. The police officer assumes their knowledge is known or understood, and when the answer the officer wishes to obtain is not returned, the line of questioning is narrowed.

The error feedback loop, outlined here, suggests that even appropriate questions if phrased poorly, can negatively influence the quality and/or accuracy of the interpreted interview. For instance, open-ended questions were also found to be associated with increased interpreting errors of no legal consequence. Open-ended questions are preferred in

investigative interviews because they are non-specific and do not imply direction or intentionality, thus allowing the interviewee to provide fuller information without undue influence from the interviewer. However, in some languages, directionality or intention is required to make linguistic sense (de Pablos-Ortega, 2019). Therefore, while police officers do not need to eliminate open-ended questions from interpreted interviews, the way in which the questions are *phrased* should be considered more carefully. For instance, in the above extract (line 10), instead of asking “When you say, tried to have sex, can you explain what you mean by tried?” the question could have been phrased as “How did the man try to have sex with you?”. This maintains the question type as *probing*, and more explicitly states the intent of the question, making it easier to interpret.

Errors for Emotion

Consideration also needs to be given towards the content of the interview, especially in cases involving emotionally evocative information, such as when either interpersonal violence and/or sexual assault has occurred. MHST cases are an example, as they commonly involve physical, psychological and even sexual abuse or coercion (Baldwin et al., 2011; 2015). It was found in Study Three of this thesis that the frequency of errors of potential legal consequence increased when the utterances were emotive compared to utterances which were non-emotive. This finding supports the hypothesis that interpreters may introduce an emotional bias into the interview (Hypothesis 3). As noted, interpreters have reported experiencing emotions during interviews (see Study Two of this thesis), reporting that they struggle to maintain neutrality during investigative interviews (also Garcés, 2015). The evidence from these previous studies would suggest that this may have a negative impact on the accuracy of the interpreting.

To explore this issue, the present study examined whether interviewer questioning techniques changed when asking questions about emotive topics in the interview compared to the non-emotive topics – specifically whether there was a difference in the number of

appropriate or inappropriate questions for emotive questions compared to neutral questions. The analysis indicated that there was a significant relationship between investigator question category (appropriate vs inappropriate) and emotive content, which suggests that investigators also alter their approach when discussing emotive topics. While complexity of speech is likely to be a factor, since language used to discuss emotional experiences can be more colloquial or ambiguous (i.e.; having numerous possible interpretations), it is also likely to be a factor of interpreter bias. Consider the following exchange in which the interpreter is attempting to facilitate the victim's meaning, but creates a number of errors in doing so:

Table 5.7. Interview extract – Hungarian female victim

1	Interpreter:	<i>[NAME REDACTED] asked for 40 pounds from him for 10 minutes and I had to have</i>
2		<i>sex with the guy.</i>
3	Victim:	<i>Well [NAME REDACTED] asked 40 pounds for 10 minutes, and I had to sleep with the</i>
4		<i>man.</i>
5		
6	Interpreter:	<i>40 pounds for 10 minutes?</i>
7	Officer:	<i>40 pounds for 10 minutes?</i>
8		
9	Interpreter:	<i>Yes.</i>
10	Victim:	<i>Yes</i>
11		
12	Interpreter:	<i>Well 15 minutes but he was finished in 10.</i>
13	Victim:	<i>Well, 15 minutes, but he finished in 10 minutes.</i>
14		
15	Interpreter:	<i>Was there any protection?</i>
16	Officer:	<i>And did you have protection?</i>
17		
18	Interpreter:	<i>He took the condom off himself so no.</i>
19	Victim:	<i>He pulled the condom off.</i>
20		
21	Interpreter:	<i>So let's clarify, was he wearing a condom?</i>
22	Officer:	<i>Okay. Just to clarify, he wore a condom?</i>
23		
24	Interpreter:	<i>I gave it in his hand saying, "Well wear it then", and he pretended like he was putting it</i>
25		<i>on but he wasn't.</i>
26	Victim:	<i>Well, I gave it in his hand to put it on, he acted as if he put it on, but in the end he</i>
27		<i>didn't.</i>
28		
29	Interpreter:	<i>Where were the condoms? Where did you keep the condoms?</i>
30	Officer:	<i>Okay. Where were the condoms kept?</i>
31		
32	Interpreter:	<i>There was a small cupboard with two drawers [beep] then they had already pre-</i>
33		<i>purchased things which meant condoms and lubricants.</i>
34	Victim:	<i>Well, there was this small brown cabinet with two drawers, so [beep] there because they</i>
35		<i>bought a condom, a lubricant.</i>
36		
37	Interpreter:	<i>What did the man do after that?</i>
38	Officer:	<i>Okay. What did the man do then?</i>
39		

- 40 Interpreter: *After he ejaculated he got dressed and I went to the bathroom.*
 41 Victim: *Well, he got dressed, and I went straight to the bathroom.*

In this instance, the interpreter provides a more explicit interpretation of the information the interviewee is providing and assigning intention to more colloquial verbs. In line 3, the victim's original Hungarian utterance uses the word "feküdni", which has a more ambiguous meaning of "to sleep" or "to lay", but the interpreter chooses to make the meaning of this verb more explicit given the context and solidifies it as "to have sex" (line 1). In line 25, the victim says "I put it in his hand to put on" but in the interpreter's rendition, "well wear it then" is added. While the action the victim describes implies that the victim wishes the man to put the condom on, the victim has not explicitly said so. The interpreter has taken the ambiguity of this action and given the victim more agency in the scenario. Furthermore, in line 40, the interpreter takes the original utterance and makes it even more explicit adding "after he ejaculated" creating a timeline of events that the interviewee has not confirmed. In this instance, it would appear that the interpreter is trying to assist the victim by making the events more legally salient, but this misconstrues the evidence and may increase perceptions of inconsistencies and discrepancies in victims' statements.

Errors Over Time

The emotional dissonance literature suggests that the reason for decreased performance is due to the cognitive pressure exerted by attempting to maintain dissonant emotions (Bakker & Heuven, 2006; Brotheridge & Grandey, 2002; Happell et al., 2003; Richardson, 2006). Of course, engaging in cognitively demanding tasks over time is also liable to increase cognitive demands and reduce performance, as was found in the Moser-Mercer et al. (1998) study. The results from the present study also suggested a relationship between time and error severity, such that the frequency of errors increased as time increased. This finding corresponds with the results from the study by Moser-Mercer et al. (1998) study (despite that the prior study

examining simultaneous interpreting, rather than consecutive interpreting – as was the case in the present study). There were considerably fewer errors of potential legal consequence at Time 1 when compared to all other times. Time 1 in each interview included the police caution, where interviewees in England and Wales are informed of their legal rights as well as general procedural information concerning how the interview will be conducted. The police caution was included within the analysis as it is a consistent item across all interviews and languages. It allows to establish a baseline error rate, as every interpreter who works within the criminal justice system will be expected to interpret the caution at some point in their career. Experienced legal interpreters will be highly familiar with the police caution, as it must be reiterated each time an interview is conducted. Inclusion of the caution may introduce a confounding variable; however, as reduced errors of potential legal consequence may be related to the interpreter's familiarity with the caution rather than a factor of time.

The results indicate that interpreting is likely to be most accurate in the initial segment of interpreting (see Figure 5.1), with a plateau in error frequency for the remainder of the interview segments. As all segments in this sample were taken before any interview breaks in

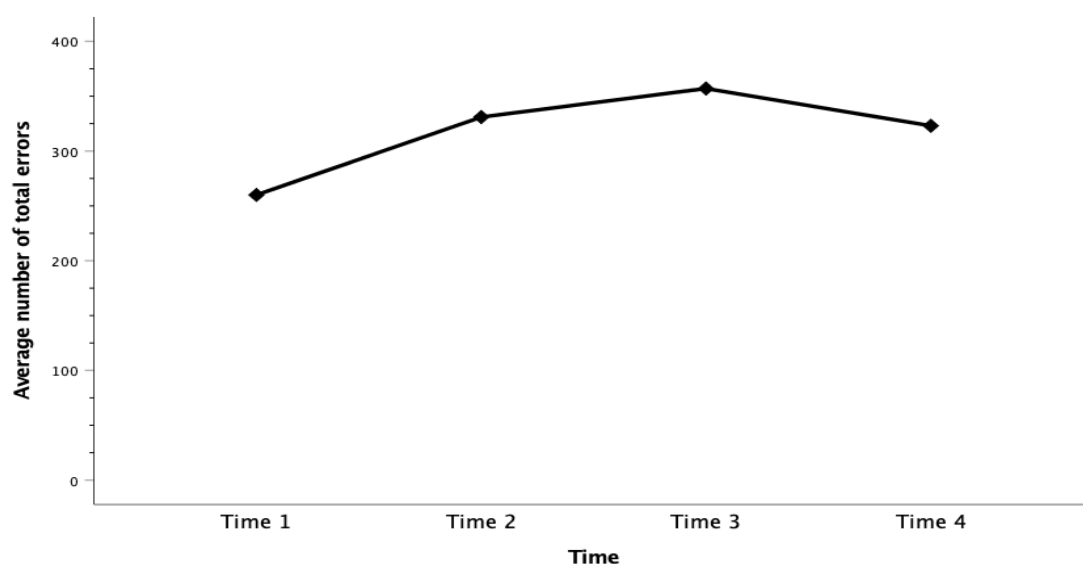


Figure 5.1. The average number of errors made during each 10-minute exert from the interpreter-assisted investigative interviews ($N = 23$). Time 1 and Time 2 are extracted from within the first 30-minutes of the interview, and Time 3 and Time 4 extracted after the first 30-minutes of the interview.

order to examine the effects of continuous cognitive load. It is not known if a lower error rate might occur after any interview break.

Limitations

It was not possible to obtain a random sample of interpreted interviews from the police as the servers on which interview data is digitally stored are not designed for database searching. Therefore, there was no way to conduct a random search for any interviews which involved interpreters, so instead, interviews were selected based on cases the constabularies were able to offer. MHST crimes were selected for use as they are likely to a) require an interpreter, b) involve numerous suspects and victims, and c) involve exposure to traumatic experiences. The researchers had initially sought to obtain control monolingual interviews which matched on crime type and similarity of demographics, but as the ability to search the server for appropriate matched controls was severely limited, it was not possible to obtain matched controls. It was also not possible to obtain sufficient monolingual interviews of MSHT cases, and therefore the monolingual interviews used were cases of sexual assault rather than human trafficking. While this is a limitation of the design, it is common practice within the MHST literature to compare analogous cases (e.g.; sexual assault victims, incarcerated migrants, asylum seekers) to trafficking (see Hales & Gelsthorpe, 2012; Herlihy & Turner 2007; Hohl & Stanko, 2015). Sexual assault cases were used here, as both cases involve discussion of forced or unwanted sexual activities.

As noted in the sampling method, it was not possible to fully transcribe and translate all of the interpreted interviews, as there was insufficient funding to obtain NRPSI interpreters for over 40 hours of evidence. While random sampling is commonly used within research to obtain an approximation of an entire data set, without analysing the entire data set, it is possible that the sample used may not be fully representative. The semi-random sampling methodology

used sought to mitigate this as much as possible, ensuring segments were taken from multiple key time sections, and the same sampling method was used on both the interpreted and monolingual interviews to ensure consistency. Furthermore, the researcher listened to all interviews in full to understand the interviews as a whole, and avoided including sections which might have been considered particularly anomalous – such as sections where speakers spoke at the same time as one another, discussions between multiple investigators, or off-topic conversations (e.g. discussing going for a smoke break).

Quality of investigative interviews was discussed here in relation to the questioning tactics of the investigator and the maintenance by the interpreter. Investigative interview quality within the United Kingdom is usually measured in relation to how well it aligns with the PEACE model of interviewing (e.g.; Clarke & Milne, 2001; Griffiths & Milne, 2006; Milne & Bull, 2002; Walsh & Bull, 2010), and the GQM only represents a small portion of that model. The GQM has been found to be a valid tool for evaluating interview quality in forensic settings (Dodier & Denault, 2017), and it was selected here as the salient interest was the linguistic content of the interview. While this still represents a limitation in assessing overall interview quality, it can be used as an approximation, particularly in respect to interpreted interviews as the language used in interpreted interviews affects the complexity of the interpretation.

Finally, it is possible that there are additional or other errors of interpretation in the back-translation. While all measures were taken to ensure that the back-translation was the most accurate version of the original utterance, it is impossible to know for certain that one interpretation is more accurate than another. Translation has the advantage of allowing the interpreter more time to ensure a correct translation, which suggests that the translation should be more accurate than the interpretation. However, this should be largely mitigated by the implementation of the errors of potential legal consequence and errors of no legal consequence.

Conclusions

The results from this study show that the quality (as it relates to questioning strategies) and accuracy of interpreted interviews is not attributable to one interview participant alone, but a consequence of the triadic interaction of the individuals. Similar results have been found by Hudson, Satchell, and Adams-Quackenbush (2018), where it was found that variance in interviewee performance is not solely attributable to either the interviewer or interviewee. While interpreters may affect the quality of the interview through their own emotional bias, the interview can also be affected by the police officers' preconceptions. It was found in Study Two that there are perceptions of a lack of cohesion and mutual trust between police officers and interpreters. The results from the present study indicate that the lack of cohesion and trust may negatively impact the questioning techniques of the police officers, and suggest that investigators need to consider the phrasing of questions in interpreted interviews more carefully, in order to avoid linguistic difficulties that may increase the likelihood of errors.

Furthermore, investigators need to be cautious about resorting to inappropriate question types when there appears to be a misunderstanding. Interpreters also need to be more vocal when interpreting difficulties arise and discuss problematic utterances with police officers or interviewees to ensure the accuracy of the statement is maintained. Aspects of this working relationship may be improved by conducting better pre-interview briefings, in which investigators and interpreters can clearly establish expectations and agree upon procedures if issues arise. The findings from the current study suggest several different aspects influence the accuracy of interpretation, but as this research examines observational data, it may not be necessarily generalizable. Furthermore, the observational data suggests that there is an influence on the accuracy and quality of the interview from both the investigator and the interpreter. The next study in this thesis examines these issues from an experimental standpoint

to overcome the possibility of confounding variables and assess the degree to which the interpreter themselves are the source of influence within an interpreted interview.

Chapter 6 Study Four – Emotional Bias

Study Three found that emotional content impacted interpreting, errors with interpreters making significantly more interpreting errors of potential legal consequence when interpreting emotional content. However, as the data used is observational, extraneous variables may have influenced the frequency of errors. Additionally, data from Studies One, Two and Three have suggested that both the investigator and the interpreter provide sources of bias which influence the quality of the interview. The current study seeks to investigate the impact on the investigative interview from the interpreter's viewpoint, rather than the issues which stem from the interaction between the police officer and the interpreter. Interpreting, as previously noted, is a subjective task, and while steps have been taken to ensure that the back-translations in Study Three were as accurate as possible, it is impossible to determine which interpretation is the best, as only the original speaker knows the intentionality of their words. Even in monolingual conversations, meaning can be misconstrued due to the multimodality of words and phrasing. Thus, within the current study, the data collection and analyses aim to account for these variables by examining the relationship between the interpreter and the quality of the interview in a controlled experimental setting.

Trichotomous Interviews

Investigative interviews can be affected by the dichotomy between the interviewer and interviewee. Indeed, research on monolingual interviews suggests that the quality of an investigative interview is not solely down to the skill of the interviewer, but also relies in part on the interviewee (Hudson et al., 2018). The addition of extra persons within an investigative interview changes the dynamics of the interaction yet again. When interviewing victims, witnesses or suspects who are foreign language speakers, the necessity of an interpreter complicates the interactions. Numerous studies have exemplified that interpreters are not

entirely impartial and do have a significant influence on the information transmitted during an investigative interview (Hsieh, 2006; 2007; Hsieh et al., 2010; Jacobsen, 2004; Llewellyn-Jones & Lee, 2013; Nakane, 2009). As seen in Study Three, the presence of the interpreter alters how investigators approach an interview, with investigators using significantly more inappropriate question types when conducting interviews with interpreters compared to monolingual interviews (see Chapter 5.4). However, there was still an affect from the interpreters themselves, with findings indicating that interpreters were more likely to make interpreting errors when utterances were particularly emotive, or when the questions being asked by the interviewer were inappropriate.

According to PACE (The Police and Criminal Evidence Act 1984) and the National Register of Public Service Interpreters (NRPSI) guidelines for interpreters, professional interpreters working in the public sector are expected to remain neutral (NRPSI, 2016). However, interpreters are, after all, human, and expecting interpreters to remain entirely neutral is unreasonable. Numerous examples from the literature highlight instances where interpreters have failed to maintain neutrality when interpreting for clients (Gallai, 2013; Garcés, 2015; Lee, 2016; Lor, 2012; Nakane, 2009; Tipton, 2017; 2018), and sometimes this is even a necessary deviation if the interpreter is to accurately convey the issues of their client (Jacobsen, 2004). For instance, as Nakane (2009) discusses, in Japanese, it is common to refer to the number of siblings, including the speaker. Therefore, when an interviewee says, “my brothers, three of them”, it is understood in Japanese that it is three individuals including the speaker, but English speakers might consider this to mean three persons other than the speaker. In the extract Nakane (2009) discusses, the interpreter speaks to the interviewee ‘off the record’ to verify the intention of the speaker. By clarifying, the interpreter has deviated from their neutral position to act on behalf of the interviewee, but the intervention ultimately aids in the interviewer’s understanding. Police officers are required to undergo interview training to

prepare them to handle working with suspects, and officers who conduct interviews with vulnerable victims (e.g.; victims of sexual assault, children, etc.) are required to undergo specialised interview training to prepare them for the differences in approaches (College of Policing, 2017). Indeed, under Section 38.4 of the Police Reform Act 2002, a person appointed as an investigator must have

“received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred [or imposed] on him by virtue of the designation”. (Police Reform Act, 2002, Section 38(4C))

Interpreters, however, are not required to undergo any such training. While the NRPSI requires their legal interpreters to pass a course in legal interpreting, there is no requirement under PACE or other government guidelines for interpreters who work with the police to have undergone training on working with clients who have experienced trauma (Metropolitan Police, 2007; NRPSI, 2016; PACE, 1984)

Preparing for Trauma

Law enforcement officers are commonly exposed to a variety of traumatic events through the course of conducting their job. What constitutes a traumatic experience can differ from person to person, however, within psychology, the definition of trauma commonly used is from the DSM-5, which outlines trauma to include “actual or threatened death, serious injury, or sexual violence” (American Psychiatric Association [APA], 2013). Traumatized persons may experience various symptoms, including anxiety, intrusive thoughts or avoidance of trauma-related stimuli (APA, 2013), all of which are likely to impact on an officer’s ability to gather information from an interviewee as these can impact an interviewee’s recall (Brewin, 2007; Kindt & Engelhard, 2005) and willingness to discuss their experiences (Tipton, 2017; 2018).

The issue of trauma in policing is further exemplified in the work of Risan et al. (2016; 2017). Risan et al. (2016) conducted semi-structured (monolingual) interviews with police officers who had interviewed survivors of the Utøya massacre in Norway, in which a gunman disguised as a police officer killed 69 people and injured 56 in an 80-minute killing rampage. Risan and his colleagues found that police officers highlighted the need to be aware of the interviewees' capacity to cope with distress, noting that they had to pay attention to non-verbal cues in order to determine when interviewees were distressed.

Adhering to non-verbal cues in an interpreted interview, however, may be more difficult than monolingual ones. As discussed previously, the very nature of interpreter-assisted interviews means that there is a need to incorporate the needs of three individuals into the conversation, each with their own levels of coping and distress. The officers interviewed by Risan et al. (2016) highlighted their needs to communicate their acceptance and model how to cope with painful emotion to the interviewee, but if the officer is attending to the interviewee's body language, they may not notice any distress the interpreter is exhibiting. In their follow-up research that involved the same terrorist incident, Risan et al. (2017) found officers noted the importance of preparation to ensure they were prepared and receptive to what the interviewee might reveal or discuss. However, as was found in Study One of this thesis, interpreters are often not involved in a pre-planning or briefing phase. As such, while the officer may be better prepared in listening to distressing accounts from victims, this may not be the case for the interpreter in bi-lingual interviews involving traumatic episodes.

From a law enforcement perspective, while there are no official or legal definitions on what might be considered a traumatic crime, it is clear that there are distinctions and accommodations made for crime severity – with more severe crimes being indicative of what might be considered traumatic experiences. Indeed, accreditation is provided to police officers based on their ability to respond to different levels of crime severity. The accreditation model

in the United Kingdom requires that officers undergo training at different tiers of the Professional Investigating Programme (PIP). Officers who obtain PIP level 1 (PIP 1) are considered qualified to investigate “priority and volume crime”, defined by the College of Policing - the UK body governing accreditation for police officers - as “any crime that, through its sheer volume, has a significant impact on the community and the ability of the local police to tackle it”. It can include robbery, burglary, vehicle related criminality, criminal damage and assault (PIP, 2017). Investigators who gain their PIP 2 qualification are considered qualified to handle “serious and complex crimes”. According to the College of Policing (2017) factors which may classify a crime as ‘serious’ include those which:

- Involve the use of violence, including the use of weapons and firearms
- Are sexual assaults
- Result in substantial financial gain
- Cause substantial financial loss to the victim
- Are conducted by a large number of persons in pursuit of a common purpose.

(p.8, College of Policing, *Professionalising Investigations Programme*, 2017)

It should be noted that there is no legislative definition of what constitutes a serious crime. Within the Serious Crime Act 2007, there is no complete definition of a serious and complex offence, but at section 2(2) it states that a serious offence is one which:

- a) is specified, or falls within a description specified, in Part 1 of Schedule 1; or
- b) is one which, in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it were so specified.

There does appear to be one exception, as it is specified in section 1A of the Serious Crime Act 2007 that “an offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour)” is considered a serious crime. The tiered qualification model is

indicative of the extensive literature on the stress and trauma police officers experience, how they cope, and how officers can be trained to reduce impacts of stress, trauma, and prejudices on both officers' well-being and quality of investigations (Bakker & Heuven, 2006; Griffiths & Milne, 2006; Powell et al., 2014).

Examining the Framework Agreement for the procurement of interpreters, it might be assumed that interpreters who work within police settings also obtained minimum qualifications or accreditation before working on different levels of crime (see Table 3.1). As discussed in Study One, the Framework Agreement stipulates that interpreters used for serious crimes must be Tier 1 interpreters. However, Tier 1 interpreters are only required to have a diploma or certificate from a recognised public service interpreting course and 100 hours of experience working in the public sector. Despite the suggestion that interpreters who work in the legal system should have specific training in legal expertise (Roberson, Russell, & Shaw, 2012a; 2012b), there is no requirement for interpreters to have legal training or any recognition of the need for a different quality of interpreting at different levels of crime severity. The evidence from Study One shows that issues of language interpreting appear in both civil and criminal cases. Within the United Kingdom, there is a separate system of courts for civil cases and criminal cases. While both can involve emotional crimes, civil cases, by definition, constitute violations of laws which are *malum prohibitum* - illegal because they are prohibited - whereas criminal cases are more commonly *malum in se* - illegal because they are themselves evil acts. While civil cases are likely to be more common, the level and types of emotion - and trauma - involved are quite different. Interpreters who do have extensive experience conducting interviews with victims and suspects of volume crime may not be prepared to cope with the effects of serious crime.

Emotional Dissonance.

When investigative interviews are emotionally evocative, interpreters are liable to experience vicarious trauma (see pages 35 to 38 of this thesis). The difficulty of the experience of vicarious trauma for interpreters in legal settings is that, from a legal standpoint, the interpreter is expected to remain impartial (Metropolitan Police, 2007). The impartiality of the interpreter is key for the effectiveness of the criminal justice process. This may be especially true for victims of traumatic crimes who fear retribution. For instance, in an analysis of interpreters who worked with survivors of domestic violence, it was reported that survivors would commonly refuse to allow the interpreter to speak on their behalf until the interpreter had verified their identity and were able to confirm in some meaningful way that they did not have connections to the survivors' abusers (Tipton, 2018). When interpreters do not remain impartial, even inadvertently, it can have significant impacts. Hale (2002), for example, found that interpreters' alterations in speech intonations altered juries' perceptions of the credibility of the witness. Confidence has been associated with higher credibility ratings (Cramer, Brodsky, & DeCoster, 2009; Whitley & Greenberg, 1986), and as Hale (2002) found, whether the alteration has a positive or negative impact on the perceived credibility relies in part on the competence of the interpreter. Removal of hedging (e.g.; pauses, hesitations, etc.) can give the impression of a more confident individual, whereas adding numerous pauses or hesitations suggests that the individual is uncertain of what they are attempting to say, and thus may appear less confident - and therefore less credible.

Despite the requirement for interpreters to be neutral parties to the conversation, evidence suggests that interpreters do indeed experience emotions as a result of their interpreting experiences (Loach, 2019; PACE 1984, Code C, Section 13). The data so far suggests that the majority of interpreters take the expectation to remain impartial very seriously, and impartiality is even included as part of the NRPSI's Code of Conduct (NRPSI,

2016). The concept of interpreter neutrality has often led interpreters to be thought of as a conduit, more akin to a computerised translation service than a human being with thoughts and emotions, but of course, this is not realistic. Indeed, the interpreters who responded to the survey discussed in Study Two indicated that they experienced emotions when conducting interviews, but rarely did anything about it (see Study Two). Thus, in order to appear neutral, interpreters must engage in some form of emotion management. Hochschild (1979) postulated that persons who work in fields which require them to engage in emotion management perform “emotion work”, which when performed as a product of paid work is referred to as “emotional labour” (Kruml & Geddes, 2000). Emotional labour is associated with two factors (1) emotional dissonance, and (2) emotive efforts. Emotional dissonance occurs when a person’s internally felt emotions differ from their externally expressed emotions, common in customer facing jobs (Brotheridge & Grandey, 2002; Kruml & Geddes, 2000; Zapf, 2002). In the case of interpreters, emotional dissonance is likely to occur in instances where they are being asked to interpret for someone reporting a particularly traumatic event, or crime. While interpreters do not necessarily receive training similar to that psychologists undergo, it is clear that a similar level of “professionalism” is expected from them. There are a number of potential problems with this. First off, without appropriate training, it is unknown what will cause an extreme emotional reaction from an interpreter. Both police officers and health professionals have cited incidents whereby the interpreter’s emotional reaction has resulted in the need to stop the interview (Salaets & Balogh, 2015a; 2015b). And secondly, emotional dissonance is detrimental to psychological well-being, as it has been associated with emotional exhaustion, increased turnover, negatively affectivity, and workplace dissatisfaction (Karatepe & Aleshinloye, 2009). Emotional dissonance has also shown additional positive correlations with emotional demands and cynicism for nurses and police officers and has been negatively correlated with job performance for police officers (Bakker & Heuven, 2006). Finally,

engaging in emotional dissonance behaviours over time is suggested to increase the likelihood of occupational burn-out (Bakker & Heuven, 2006). This is potentially problematic when the minimum qualifications expected for public service interpreters are considered (see Table 3.1). The NRPSI requires that their registered interpreters have a minimum of 400 hours of public service interpreting experience, and even the Tier 3 interpreters outlined in the Framework Agreement require interpreters to have a minimum of 100 hours of public service interpreting experience.

The primary concern with emotional dissonance behaviours in interpreters when it comes to investigative interviews is the lack of attention it has received. Interpreters report experiencing trouble maintaining neutrality and coping with emotions during investigative interviews (Garcés, 2015) but also not feeling supported by the police officers nor knowing where to obtain the support after the interview is concluded (see Study Two). Furthermore, the cognitive effort used to portray an emotion that differs from the interpreter's felt emotion is likely to detract from the cognitive effort the interpreter is able to put into selecting the correct interpretation. The evidence from Study Three suggests that when interpreting emotional utterances, interpreters are more likely to make interpreting errors. However, the cases used involved serious sexual crimes, human sex trafficking, which may have affected the interpreting due to the complexity and particularly traumatic aspects of the crimes being committed. It is unknown the degree to which other crimes or lesser emotional experiences would affect the interpreter. Furthermore, suppose the interpreters used have extensive experience with highly emotional or traumatic crimes. In that case, they may be experiencing occupational burn-out and the decline in their interpreting performance is related to occupational burn-out, rather than the emotions themselves.

Summary

The literature indicates that interpreters are likely to experience trauma through the experiences of their clients, and it has been suggested that the vicarious trauma experienced may impact the quality of their interpreting (Lai et al., 2015). Research from healthcare interpreting, for instance, indicated that interpreters who provided interpreting services for clients who had experienced trauma often deviated and sometimes started discussing their own experiences of trauma rather than the trauma of the client (Lai et al., 2015; Lor, 2012; Macdonald, 2015). However, in a police interview, it is difficult to determine how much of the deviation in the interview quality can be attributed to the interpreter, or whether it should be attributed to the police officer or interviewee. The present study aims to explore the impact of the interpreters themselves by controlling for the interviewee and police officer.

Previous research has indicated that interpreters may be emotionally affected by the content of the interviews they assist in (e.g.; Garcés, 2015), and it has been suggested within the field of healthcare interpreting that interpreters are likely to experience vicarious trauma when interpreting for persons who have experienced, and are describing, highly traumatic events (Lai et al., 2015; Lor, 2012; Macdonald, 2015). It was, therefore hypothesized that interpreters' emotional state would be affected by the interviewee's emotional state. For instance, if the interviewee was perceived to be negatively emotionally affected, the interpreter would also show negative emotional affect. As a side effect of the negative affect, repeated engagement in emotional dissonance behaviours has been shown to increase the likelihood of occupational burn-out and decrease job performance. The present study aims to control for the potential impact of burn-out by using interpreting students rather than experienced interpreters. The study will also measure burn-out to determine the degree to which the participants experience burn-out. It is hypothesized that there will be very low levels of burn-out, but that burn-out will be significantly correlated with increased interpreting errors (Hypothesis 1).

This study follows on from the research conducted in Study Three, and it was therefore hypothesised that the findings related to the GQM would show similar results within the experimental design. Therefore, it was hypothesised that there would be high consistency between interpreter GQM question types and investigator GQM question types (Hypothesis 2). As noted in Study Three, inappropriate question types are typically more linguistically complex, and thus can be harder to interpret accurately. It was, therefore hypothesised that inappropriate question types would be more likely to elicit interpreting errors compared to appropriate question types (Hypothesis 3). Furthermore, it was hypothesised that certain types of interpreting errors would be more likely to cause errors of potential legal consequence compared to other types of interpreting errors (Hypothesis 4).

Finally, the differential training police officers receive for interviewing and investigating different types of crime suggests that there may be a difference in how interpreters affect different types of crime. This is especially considered due to the fact that interpreters are not required to received differential training to interpret for series and complex crimes versus volume crimes, despite the fact that police officers are. It was therefore hypothesised that interpreters would commit more interpreting errors when interpreting for severe and complex crimes (e.g.; human sex trafficking) which would be tied in the criminal courts compared to volume crimes (e.g.; Residence Disputes) which would be dealt with within the civil courts (Hypothesis 5).

Additionally, as emotional content, which can be present in any crime type, has been associated with increases in interpreting errors, it is also hypothesised that emotional utterances would be more likely to elicit interpreting errors compared to neutral utterances (Hypothesis 6).

Method

Participants

Participants were a convenience sample of students studying a Masters of Interpreting degree, either in conference interpreting or public service interpreting, at the University of Manchester. Eligible students had to be over 18 years of age and able to interpret either English-Spanish or English-Mandarin. Participation was advertised through emails to the interpreting cohort for the 2017-2018 university year. Participants were given a link where they could sign up to time slots. All mock interviews were conducted at the University of Manchester. A total of 9 individuals participated in this study, with 2 Spanish-English participants, and 7 Mandarin-English participants. Participants were aged between 20 and 28 ($M = 24.11$, $SD = 2.98$), and all were female. Participation was open to professional interpreters, but as insufficient funding was available to compensate professional interpreters for their travel and time, professional interpreters were (understandably) unwilling to travel long distances in order to participate. While it was possible to use video interpreting to eliminate issues of expenses around travel, it was felt that this dropped the quality of the interpreting and would not be comparable to in-person interpreting, and therefore was not used.

Design

In order to assess how the severity of crime (serious and complex vs volume crime) were impacted by the use of an interpreter, differences between crime types were analysed using a repeated measures one-way ANOVA. The independent factor was the type of offence (residence dispute vs human sex trafficking), and the dependent variable was the number of interpreting errors, as assessed by the I-LIE (see Study Three for a full explanation of the I-LIE). Frequency analyses (e.g.; for error frequency and severity) were conducted using chi-square analysis of variance. The measures used for coding were as follows:

Materials

Burn-Out

Burnout was assessed using a combination of the Oldenburg Burnout Inventory (OLBI; Demerouti, Bakker, Vardakou, & Kantas, 2003) and the abbreviated Maslach Burnout Inventory (aMBI; Maslach, Jackson, Leiter, Schaufeli, & Schwab, 1986), with an additional three questions as added by McManus, Winder, and Gordon (2002). The OLBI assesses two dimensions of burnout: exhaustion and disengagement, whereas the aMBI assesses emotional exhaustion, depersonalisation, and personal accomplishment. The aMBI and OLBI were developed for use with professional populations, and the original questions refer to situations which would be more familiar to medical professionals. The most recent edition of the OLBI (Bakker et al., 2004; Demerouti & Bakker, 2008) contains balanced positive and negative wording of items. As the sample used for this study were students, the questions had to be modified (Appendices 3 & 4). Students on the Masters of Interpreting course are frequently studying with the intention of becoming a fully qualified interpreter, and thus are unlikely to have the same level of experience as professionals. The questions were therefore modified to accommodate this and focussed on students' experience within their interpreting course rather than their (potentially) limited professional experiences. While the MBI has been shown to have robust construct validity, the OLBI has been found to be effective in measuring academic burnout as well as job burnout. Participants were assessed on both the shortened MBI, which consists of 12 questions, and the OLBI, which consists of 16 questions, so that construct validity could be cross-checked.

Multidimensional Mood State Questionnaire.

Mood was assessed using the Multidimensional Mood State Questionnaire (MDMQ) (see Appendix 5). The MDMQ is a 30-question mood questionnaire, which assesses individuals on three factors of mood: (1) good-bad, (2) alertness-tiredness, and (3) calm-neuroticism. The

MDMQ is the English version of the Der Mehrdimensionale Befindlichkeitsfragebogen (MDBF), which is a German mood state questionnaire (Steyer et al., 1997). The MDBF has been shown to be a robust measure for measuring mood within German language literature. The MDMQ has six coding categories: good-bad, awake-tired, calm-nervous. The original German edition has a five-point answer scale, whereas the English edition has six. The sixth point on the scale was added by the researcher to reduce skewness in distributions. The MDMQ has been found to be effective as a condensed 15-question scale (Steyer et al., 1997). As participant mood was assessed twice, once after each mock interview, it was important to have consistency in the mood rating. The MDMQ was selected to reduce possible confounds from survey fatigue. Participants who receive the same questionnaire multiple times may sometimes report the same answers as on the previous questionnaire. By using the modified MDMQ, it was possible to assess mood at two different times, without presenting the exact same metric, therefore moderately the propensity for participants to simply check the same mood state as on the first questionnaire. Interpreters were also asked to provide their opinion on the interviewee's emotional state, and how affected they perceived the interviewee to be within the situation.

Griffiths Question Map.

Interviews were scripted to ensure that the interview was conducted in an appropriate manner according to the PEACE model. This meant that the questions asked by the mock investigator were all scripted to be appropriate question types (see Appendix 6). The interview followed the questioning pattern described by Griffiths and Milne (2006), such that the initial stages of the interview had predominately open-ended questions, followed by a series of probing questions, and then appropriate closed questions were used to finish as appropriate. A semi-scripted interview was used to allow the questions asked by the mock investigator to change in response to what was said during the course of the interview. For instance, if the

victim was scripted to say “and he told me that many girls do this job”, and the investigator was scripted to ask “what do you mean by “this job”?” in response, if the interpreter had interpreted the utterance as “and he told me that many girls work as prostitutes”, the scripted question would be irrelevant. Thus, the question types for the investigator were assessed to determine the degree to which the interview followed questioning methods as taught by the PEACE model. Furthermore, as it was found in Study Three that the interpreter showed high consistency in maintaining question types of the investigators, the question types of the interpreter were also coded in order to assess if this was a consistent finding.

Procedure

When participants were recruited, the recruitment materials included a study summary, indicating that participants would be asked to act as an interpreter for a mock investigative interview. The study summary included a URL to a sign-up sheet where potential participants could sign-up for a particular time slot, which was indicated to last between one and a half hours to two hours for full participation. When the participant arrived, they were provided with a consent and briefing document, which outlined the study procedure. Participants were informed that they would act as an interpreter for two separate mock interviews. Participants were further instructed that each interview would last approximately 20 minutes. After each interview had concluded, the participant would be asked to complete a mood questionnaire. After completing the questionnaire following the first mock interview, there would be a 15-minute break, and then the second mock interview would commence. Participants were informed during their briefing that they would be requested to act as interpreters for two different victims: one victim of a civil offence (residence dispute) and one victim of a criminal offence (human sex trafficking). Participants were informed that they could refuse to interpret for either crime type for any reason. Thus, participants were able to choose to participate in just one mock interview, if they wished. However, no participants exercised this option with

all of them participating in both mock crime interviews. The presentation of crime type was counterbalanced, with half of the participants interpreting for the human trafficking interview first, followed by the residence dispute, and the other half interpreting for the residence dispute first, followed by the human trafficking interview. Participants were also given the OLBI and aMBI questionnaires, which assessed burn-out, to complete before commencing participation in the mock interviews. Immediately before each interview, participants were reminded of the type of offence, and were asked again to confirm if they were happy to continue participation. Other than the offence type, interpreters were not given any further details about the victim or the case. Evidence from Study Two indicated that interpreters rarely receive a briefing from police officers, and when they do receive a briefing, the details provided are extremely minimal. This brevity of pre-interview briefing was replicated in this study for the purposes of increasing the external validity of this study. The contents of the interviews were scripted (see Appendix 6 for full transcripts), to ensure consistency across participants, and the scripts were reviewed by a professional interpreter and an investigator who was trained in the PEACE model to ensure that the interview was realistic, professional, and exemplified the minimum standards expected for a PEACE interview. As the preceding studies (see Study Two and Study Three) indicated that IAI quality was affected by both interpreters and investigators, scripting the interviews allowed control over the investigator portion of the interview, allowing more direct analysis of the impact of the interpreter over the investigator. Furthermore, providing a script ensured that the majority of questions asked within the interview were appropriate question types (as all scripted questions were appropriate ones). However, as the mock investigator could improvise (dependent on the interpreted responses provided by the participant), it was possible for inappropriate questions also to be asked (or asked instead of appropriate ones) .

The researcher, trained and knowledgeable of PEACE interviewing techniques, acted as the investigator. The victims' utterance in each of the scripts was translated by two interpreting PhD students, one version in Spanish, and the other in Mandarin. Two bilingual actors (one Spanish-English, the other Mandarin-English) played the part of the victim in each scenario. For the duration of the mock interview, the bilingual actors pretended they did not understand any English and only reacted to information given to them via the participant (acting as the interpreter). While the bilingual actors and the mock investigator sought to keep close to the original scripts, deviations were made as appropriate according to what information was relayed by the participant. This was done to maintain external validity, as in real interviews, neither the investigator nor the victim would be aware if their words were not being accurately conveyed. To accommodate for time constraints, interviews were artificially concluded after 20 minutes of interpreting, with the investigator citing that the tapes needed to be changed before they could continue. At the conclusion of each mock interview, participants were given the MDMQ questionnaire (detailed above) to assess their mood. All interviews were audio and video recorded with the permission of the participants. Participants were instructed that they could use a pseudonym for the purpose of the mock interview but did so at their own discretion. Presentation of offence type was counterbalanced to account for differences in presentation primacy or latency. At the conclusion of the second interview, participants were fully debriefed.

Error Coding

In order to assess the accuracy of interpreted speech, the back translations, which were translated by the mock victims themselves, were used as a comparison against the interpreter's utterances within the interview itself. Within Study Three, back translations were provided by independent NRPSI accredited interpreters, but by using the mock victims to verify the back translations of their words, interpreting errors could be more accurately identified by the raters.

Language can often have an implicit intention or directionality, which will only be known to the original speaker themselves. Thus, by using the original speaker as the back translator, it can be more certain that the back translation is representative of the “true” or most accurate interpretation of the original utterance. Interpreting errors were assessed using the Index of Legal Interpreting Errors (I-LIE) framework using the same raters that were used in Study Three (see Research Design of Study Three for a full description of raters). The first and second rater were not interpreters, and only spoke English. They, therefore, coded the errors based on a comparison of the original interpretation to the back translation. The I-LIE codes for the type of error, which could be either (1) omission, (2) addition, (3) substitution, (4) editorialisation, (5) false fluency, or (6) clarification. Once the error type was identified, the severity of the error was also coded. The error could either be an error of no legal consequence, or an error of potential legal consequence (see Table 5.2 on page 127 for full explanation).

Emotion Coding

As with Study Three, each utterance was assessed as to whether it contained emotional content or neutral content. The same raters that were used in Study Three conducted the emotion coding for the present study to ensure continuity across the programme of research. The full data set was coded by the primary researcher, while a subset of 25% ($n = 894$) were coded by an independent second rater, who had been trained in the coding framework by the thesis author. Utterances were coded as either being “emotionally evocative” or “neutral”. Utterances were considered “emotionally evocative” if they included discussion of sensitive topics (i.e.; sex, violence, etc.) or emotions. Emotive utterances could be positive or negative, and neutral utterances were neither positive nor negative.

Interrater Reliability.

A random selection of 25% ($n = 894$) of the sample data was used to assess interrater reliability. The raters used the I-LIE to compare original interpretations to the transcribed

interpretations and assess the number of errors. The raters independently coded the first mock interview, and discrepancies were assessed and resolved through discussion. The sample data was then coded independently and assessed using Cohen's kappa, as the coding framework used was nominal. There was substantial interrater agreement on the interviewer GQM ($\kappa = .91, p < .001$), interpreter GQM ($\kappa = 0.90, p < .001$), error rating ($\kappa = 0.69, p < .001$) legal consequence ($\kappa = 0.65, p < .001$), and emotion ($\kappa = 0.86, p < .001$). Kappa values between 0.61-0.80 show moderately strong agreement and values above 0.81-1.00 reflect very strong interrater agreement (Cohen, 1960; McHugh, 2012).

Results

Consistency

Cohen's Kappa was used to assess the consistency of question type across the language barrier. The consistency between interviewer GQM question type and interpreter GQM question type was assessed. It was found that there was high consistency between interviewer and interpreter question type. Cohen's Kappa revealed that there was extremely high agreement between interviewer GQM and interpreter GQM ($\kappa = 0.87, p < .001$), which is considered almost perfect agreement (Cohen, 1960; McHugh, 2012). This suggests that interpreters are likely to maintain the question type across the language barrier.

Burn-out.

Burn-out was assessed using the aMBI and the OLBI. Out of the nine participants, two participants completed less than 50% of the MBI; however all nine participants fully completed the OLBI. Due to incomplete data on the MBI questionnaires, analysis was not conducted on the MBI. Pearson's correlation was used to assess if there was a correlation between the participant's burn-out level, as assessed by the OLBI, and the number of interpreting errors. There was no significant correlation between scores on the OBLI and frequency of no errors

$r(7) = -.133, p = .734$, errors of no legal consequence $r(7) = -.633, p = .067$, or errors of potential legal consequence $r(7) = -.042, p = .914$.

Question Type & Error Frequency

It was assessed as to whether the type of question (open, probing, appropriate closed, closed, leading, multiple, forced choice, or opinion) affected the likelihood and degree of error severity. Chi-square analysis was conducted to compare the GQM question type on the legal consequence of the error (no error, legal consequence, no legal consequence). There was no significant association between GQM question type and the degree of legal consequence, $\chi^2(1, 278) = 7.98, p = .055, \phi = .055$. This suggests there was no association between GQM question type and error frequency or severity.

Error type and consequence.

Chi-square analysis was conducted to determine whether there was an association between the type of error and error severity (no legal consequence vs potential legal consequence). Out of 979 utterances, 574 (58.6%) utterances contained an interpreting error. Out of the errors identified, 55.9% ($n = 321$) were errors of no legal consequence and 44.1% ($n = 253$) were errors of potential legal consequence. There were 236 (41.1%) omission errors, 145 (25.3%) editorialisation errors, 117 (20.4%) substitution errors, 67 (11.7%) addition errors, and 9 (1.6%) clarification errors. Chi-square analysis indicated that there was a significant association between error type and error severity $\chi^2(4, 574) = 17.43, p = .002, \phi = .17$, such that omission errors were more likely to be an error of legal consequence compared to all other errors, and substitution errors were least likely to be an error of potential legal consequence.

Errors and emotion.

Interpreters were asked to provide mood ratings after each mock interview for their own emotional state, and also asked to assess the perceived emotional state of the mock victim. Pearson's correlation was used to assess if there was a relationship between the interpreter's

mood and the perceived emotional state of the mock victim. There was no significant correlation between participant mood and perceived victim emotional state $r(16) = .201, p = .211$. Participant mood was also assessed to determine if there was a difference in reported mood for the residence dispute case compared to the sex trafficking case. There was no significant difference in self-report mood on the MDMQ between the residence dispute and the sex trafficking case ($F(1,16) = .00, p = .98$).

Chi-square analysis was also used to determine if there was a relationship between the emotion of utterances (emotive vs neutral) and the frequency of errors of potential legal consequence. Analysis indicated that there was a significant relationship between the emotion of utterances and frequency of errors of potential legal consequences, $\chi^2(2, 891) = 51.53, p < .001, \phi = .24$. The linear-by-linear association was also significant, $\chi^2(1, 891) = 47.67, p < .001$, which suggests that the severity of error increases as a factor of the emotional content. Interviewer GQM was also assessed to see if there was a relationship between question category (appropriate vs inappropriate) and emotion (emotive vs neutral). There was no significant relationship between question category and emotive content, $\chi^2(1, 320) = 3.35, p = .067, \phi = .11$.

A one-way between-subjects ANOVA was also conducted to assess the difference between crime type (residence dispute vs sex trafficking) on the number of different types of errors (no error vs error of no legal consequence vs error of potential legal consequence). It was found that there was a significant difference between crime type and errors of potential legal consequence ($F(1, 16) = 8.05, p = .012$) such that there were significantly more errors of legal consequence when interpreting for the sex trafficking case ($M = 17.22, SD = 1.33$) compared to the residence dispute case ($M = 11.89, SD = 1.33$). There was no significant differences for no errors ($F(1, 16) = .256, p = .62$) or errors of no legal consequence ($F(1, 16) = .538, p = .47$).

Discussion

While there is a growing body of literature which has started to examine the use of interpreters during investigative interviews, these have largely failed to account for the influence of the investigator. Previous literature has highlighted the potential difficulties of interpreter training, qualifications, and emotions (Flores et al., 2003; Garcés, 2015; Kilian et al., 2014; Loach, 2019), but there is next to no evidence which has compared the use of interpreters in different crime types. Though the UK government expect their investigators to be trained so that they are equipped to interview for a variety of crime severities, the minimum qualifications are not required to change for interpreters regardless of the type of crime they provide interpreting for. Indeed, while the UK government has recognised the need for effective legislation and guidelines for the use of interpreters in investigative interviews, the guidelines which are in the process of being rolled out are based on dated handbooks with no empirical evidence to support them. As interpreters who provide interpretations for victims and suspects of serious and complex crime are likely to be exposed to highly traumatic events, the risk of experiencing vicarious trauma and burn-out is a consideration which must be taken into account. The present study has sought to investigate the impact serious crime can have on the quality and accuracy of the interpreted interview and provide an experimental comparison for observational studies on interpreted interviews. The findings suggest that interpreters commit more interpreting errors when interpreting for serious crimes compared to volume crimes and imply that emotional bias is an issue that needs to be addressed when conducting interviews with interpreters.

Burn-Out

There was no significant correlation between scores on the OBLI and frequency errors, and thus there was no support for Hypothesis 1, which theorised that burn-out would be

significantly correlated with interpreting errors. Burn-out is usually measured in professionals with intensive experience (Maslach & Jackson, 1981), but as the participants within this study were all student interpreters (rather than professional ones), it is possible that there were insufficient levels of burn-out to be sufficiently captured in this study. Only one of the participants indicated that they had any experience working as a paid interpreter, which means there would be little opportunity for the participants to have started to develop symptoms of burn-out, that may be found to affect some professionals (Maslach & Jackson, 1981). This is something that needs to be explored in more depth in future studies of professional interpreters before effective conclusions can be drawn.

Consistency.

It was hypothesised that interpreters within this study would maintain the GQM question type from the interviewers in their interpreted utterances (Hypothesis 2). This hypothesis was supported, as there was strong consistency between the interpreter GQM question type and interviewer GQM question type. Similar results have been found in studies with professional interpreters, not just student interpreters, which suggests that sentence structure is generally well maintained for interpretations. The mock interviews were scripted in order to ensure the interview was conducted in accordance with PEACE guidelines; however, the actors involved in the mock interview were instructed to respond according to the utterances provided to them by the interpreter. As the consistency between the interviewer GQM and interpreter GQM was quite high, supporting Hypothesis 2, the majority of interpreted questions maintained the scripted appropriate question type. While there was a small percentage of inappropriate questions, the overall quality of the interview can be considered to align with PEACE standards as scored by the GQM.

Emotional content.

As has been discussed, emotional content has been attributed to a decreased quality in interpreting (see Study Three). The abstract and nuanced nature of emotional language may contribute to the reasoning for the impacted quality, but little evidence has been able to indicate the true impact of emotive utterances or topics accurately. While interpreter emotionality has been suggested to be a possible factor influencing the quality of interpreted evidence, the conversational dynamics of the interview mean that the interviewer and interviewee can also have a significant impact on the interpreting quality. As both the interviewee and interviewee speech were scripted (as much as could be), this study sought to control for the speech utterances provided as much as possible, and enable a better understanding of the issues of emotion pertaining to the interpreter themselves. It was hypothesised that, as in Study Three, emotional utterances would be more likely to cause interpreting errors compared to neutral utterances (Hypothesis 6). This hypothesis was supported, such that interpreters were significantly more likely to commit errors of potential legal consequence when interpreting emotive utterances compared to neutral utterances. This supports the results from Study Three and suggests that emotional utterances present more difficulty in interpreting.

Police officers receive training to investigate crimes at different levels of severity and complexity, and the investigator would be required to have a PIP 2 qualification in order to conduct the interview with a victim of human trafficking. Yet, interpreters do not require differential qualifications in order to interpret for different crime types. While it might be argued that interpreters do not require different levels of qualifications to handle different crime types, the evidence from this study suggests this is not the case. There was a significant difference between groups for interpreting errors and crime types, such that there were significantly more errors of potential legal consequence during the sex trafficking case compared to the residence dispute case, which suggests support for Hypothesis 5. This would

suggest that interpreters are not necessarily equally qualified to handle any type of crime. It has been hypothesised that this is representative of interpreter emotional bias, such that the felt (but not necessarily shown) emotions of the interpreter impact the quality of the interview. If interpreters are indeed participating in emotional dissonance behaviours, it is expected that interpreters would show differences in mood ratings. However, according to the self-reported moods on the MDMQ, there was no significant difference in reported mood for the residence dispute case compared to the sex trafficking case, nor was there a significant correlation between participants' reported mood and their perception of the interviewee's emotional state. As both scenarios involved emotive aspects, it is, of course, possible that interpreters were equally engaged in emotional dissonance behaviours in each case, and indeed the analysis of emotional utterances suggested that emotive utterances of any kind are significantly more likely to result in an error of potential legal consequence compared to neutral utterances. However, there is a difference in the nature of the emotive content displayed in these cases, as the sexual assault and violence associated with human sex trafficking are generally considered to be a highly traumatic and serious crime (College of Policing, 2017; Serious Crimes Act, 2007). Furthermore, if the cultural and language nuances of sexually explicit language are considered, further difficulties are uncovered. Sexual language can often be ambiguous, as it is common to use euphemisms for sexually explicit speech (Erez & Globokar, 2009). Consider the following extract:

Table 6.1. *Participant 1, Scenario 2, mock human trafficking victim*

1	Interviewer:	Okay. [clears throat] So, you-- so that you could do this job which was
2		working as a prostitute, um, when you say prostitute, what does that mean to
3		you?
4	Interpreter:	你从事这种工作, 这种工作对你来说意味着什么?
5	Back translation:	What do you mean by this kind of work for you?
6		
7	Victim:	我觉得很羞耻, 我觉得我不会做这种, 我当时觉得我绝不会做这种事
8		情
9	Interpreter:	I feel very shameful. Um, and I wouldn't do this kind of job. Um, and I
10		wouldn't do this kind of job.
11	Back translation:	I feel very ashamed. I don't think I will do this. I thought I would never do
12		this kind of thing.

- 13
 14 Interviewer: Mm-hmm. So, um, what is this kind of job? I know you said prostitution but
 15 I just need you- I need you to tell me what you mean by prostitution. I'm
 16 sorry.
 17 Interpreter: 不好意思, 我还是想请你解释一下, 这一种工作。
 18 Back translation: Excuse me, I still want to ask you to explain this kind of work.
 19
 20 Victim: 其实他的朋友刘亚他就是开这么一个场所的, 然后女孩子和别的陌生
 21 男子上床, 然后拿钱。
 22 Interpreter: Um, from my perspective, um, Liu Ya is, um, resp-- uh, Liu Ya is the
 23 manager of, um, this kind of place and, uh, girls will, like, have intimate
 24 attachment with, uh, strangers and earn money from that.
 25 Back translation: In fact, his friend Liu Ya is to open such a place, then the girl and other
 26 strange men go to bed, and then take the money.
 27
 28 Interviewer: Okay. Okay, [clears throat] so they offered you this- to do this work as a
 29 prostitute. You said no. Um, what happened then?
 30 Interpreter: 所以他向你提出了这个建议, 但是你回绝了, 接下来发生什么了?
 31 Back translation: So he made this suggestion to you, but you refused, what happened next?

In line 1, the interviewer is direct, and asks specifically about work as a prostitute, which the interpreter made into a more ambiguous statement saying, “this kind of work” rather than referring to prostitution directly. As the interview was scripted, and both the mock interviewer and mock victim were aware that prostitution would be discussed explicitly, the ambiguity in the interpreted language can be attributed to the interpreter in this instance. It should be considered that the discomfort of the interpreter may not be the only issue at play here. Language can be particularly ambiguous within culturally sensitive topics. As Erez and Globokar (2009) discuss, in certain languages, the terms for sexual intercourse are non-explicit. Ambiguity in language allows for multiple interpretations of the same statements (de Pablos-Ortega, 2019), which is often the case with sexually explicit language. Furthermore, language and culture are inextricably linked, and thus in cultures where sex is a taboo subject, there may be a reluctance to speak about sexual activities. Interpreters themselves are often from the same cultural background of their clients, and therefore even if the interviewee is comfortable speaking about taboo subjects, the interpreter may lack either the comfort or the language knowledge to be able to accurately interpret.

Serious and complex crimes.

Consistent engagement in emotional dissonance has been associated with an increased likelihood of burn-out, which is also associated with decreased job performance. Bakker and Heuven's (2006) model of emotion work theorises that individuals in public administration professions are more likely to experience burnout if they experience emotional dissonance. Thus, according to Bakker and Heuven (2006), occupational burn-out, emotional dissonance mediates occupational burn-out. Within the present study, participants provided self-report measures to determine the degree to which they were experiencing factors related to burn-out, as assessed by the OLBI. Overall, participants showed average scores on the OLBI, which suggest that there were low levels of occupational burn-out within this participant sample. It was expected that the participants within this study would likely score low on measures of occupational burn-out, as the participants involved in this study were Masters students, and therefore likely at the beginning of their careers as interpreters. Indeed, only two participants indicated that they had experience as professional interpreters, and the participant who had the longest experience studying and/or working in the interpreting field had just under three years of experience. There was also no significant relationship between scores on the OBLI and frequency of interpreting errors. This aligns with previous findings which indicated that decreases in job performance were associated with high burn-out scores (Happell et al., 2003; Perron & Hiltz, 2006; Sodeke-Gregson, Holtum, & Billings, 2013; Swider & Zimmerman, 2010). As the participants within this study did not show high burn-out scores, their job performance was not expected to be affected.

Limitations

The primary aim of this study was to manipulate the emotional state of the interpreter in an attempt elicit emotional bias; however since the participants were aware that this was not a real scenario, it was possible that a reduced amount existed concerning the emotional affect

experienced by the interpreter. There were found no significant differences in mood ratings across either crime type; however, it is unknown whether the interpreter's mood was altered by the interview at all, as mood was not measured prior to beginning the interview and thus could not be compared.

Originally, it was hoped this study could be conducted with a wide range of professional interpreters; however, this was problematic due to population access. By nature of their profession, public service interpreters are independent contractors, called into work on a needs basis. Interpreters are often required to travel fair distances at short notice to meet the needs of the jobs required of them. Furthermore, there are not necessarily "pockets" of interpreters who speak the same language. This study was limited to Mandarin-English and Spanish-English interpreters due to the availability of bilingual confederates. As such, the available participant pool was quite small. Indeed, as Gallai (2012) points out, there are few accredited public service interpreting trainers which made it difficult to access possible interpreting students seeking to gather unpaid experience. While this is certainly a limitation of the study and the generalizability of the research, studies involving interpreting frequently have quite few participants, with few studies capturing over 10 participants (see Lai, & Mulayim, 2014; Moser-Mercer et al., 1998). Thus, while the evidence and generalizability of the findings must be treated with caution, it does provide a significant contribution to the field of interpreting research.

The use of two different languages – Mandarin and Spanish – may have created a confounding variable, as it is possible that one language is more nuanced or more subjective than the other, or that there are more significant cultural differences within one language group compared to the other. This could have led to an increased likelihood of interpreting errors in one language over the other, however, due to the small sample size, meaningful statistical analysis was not possible to determine the impact of language on interpreting errors.

As noted, the mock investigator was the same in each scenario. The advantage of this was that it ensured all participants had a similar experience of the investigator and heightened the consistency of the interview across participants. However, it is possible that this would lead the investigator to become overly familiar with the content of the case, and not rely on the interpreted response from the participant to ask the next question, but on pre-existing knowledge. This was also a problem noted within Grzybek's (2017) research, such that when the interpreters became more familiar with the mock scenario, there was an increase in interpreting errors, suggesting that the interpreters used their pre-existing knowledge and not just the information given within the scenario. However, no such increase in errors over time was detected within the present study, and while this may have decreased the ecological validity of the experiment, the key element examined in this study was the interpreting accuracy. Since a different interpreter was employed on each occasion, any effects on the investigator prompted by repeated exposure may well have been reduced.

The evidence from the studies contained within this PhD strongly suggests that there is limited communication of expectations between police officers and interpreters. Researchers have proposed pre-interview briefing as an opportunity for collaboration between these two professional groups, and it has been theorised that implementation of the pre-interview briefing will enhance the quality of the interpreted interview, but this has yet to be empirically verified. The experimental design of the present study is to eliminate possible confounding variables that may have been present in the observational data, and while it bolsters the findings from the previous study, it provides minimal further insights as to possible interventions.

Conclusions

The results suggest that emotional utterances may be more difficult to interpret due to linguistic and cultural complexities. Furthermore, the evidence strongly suggests that interpreters are not equally equipped to interpret for all crime types. The qualifications required

to be a public service interpreter within the United Kingdom have often been vague, and the current police guidelines, which indicate that an interpreter needs to be an appropriately qualified person is insufficient. Police officers are required to pass additional qualifications to investigate more serious and complex crimes, and yet there is no current requirement for interpreters to obtain differential qualifications to do the same. The current study is limited in scope, as it only examined a small sample of interpreters who were interpreting students rather than professional interpreters. However, the study does suggest that the legislation and guidelines concerning the use of interpreters in investigative interviews in the United Kingdom appear lacking. It is not possible to account for the issues/concerns brought to the interview by the interviewee, but it is possible to enhance the quality of an interview through the interpreter and investigator. If the quality of interpreted interviews is to improve, there is a need to ensure interpreters to be not only emotionally prepared but also linguistically prepared when undertaking their role in IAIIs.

Chapter 7 Discussion

Increases in the number of cases where interpreting is being questioned (as found in Chapter 1 of the thesis) puts investigations, prosecutions and convictions at risk if the quality of the interpreting is not ensured from the very beginning of the investigation. Previous research has suggested that interpreter emotional bias is likely to be a factor influencing the quality of the evidence provided, but this has not been explored empirically until now. Results from the current programme of research suggest that highly emotionally traumatic and violent cases increase the likelihood of interpreting errors, which has significant implications for major crimes, such as MSHT, that are more likely to involve both foreign language speakers and emotional trauma.

Results from the four studies in this thesis indicate that discrepancies in police officers' and interpreters' expectations during IAIs negatively impact the quality of the interview. While emotions are recognised by both police officers and interpreters as a factor likely to impact the quality of the interview, currently little is done to actively reduce the effects of emotions. Together, the findings from the four studies emphasise the need for changes in government policy concerning the provision and auditing of public service interpreting, in addition to ensuring that training for interpreters includes legal terminology, interview procedures, and emotional wellbeing, whilst training for police officer expand to accommodate working with interpreters.

Interpreter Qualifications & Expertise

Traditionally, both research and practice aimed at better enabling effective interviewing protocols have been prioritised, with little attention paid to the use of interpreters in such legal settings. However, interpreters play an important role within the investigative process, from the initial statement-taking, through to the court proceedings. It is therefore important that

researchers develop a better understanding of the influence that interpreters may have on interview quality and court proceedings. This thesis sought to examine these issues.

Interpreter qualifications and expertise has been a source of concern for a variety of reasons. As Hlavac (2013) pointed out, there is little consistency worldwide regarding the minimum requirements for public service interpreters. It is thus difficult to determine best practices for the use of interpreters, as inconsistencies in interpreting qualifications exist not only within the UK but globally. Gallai (2012) predicted that the MoJ's decision to switch from the National Register - which required registration with the NRPSI - to the Framework Agreement or FA (which did not) in 2011 would decrease the quality of legal interpreting services provided in the UK. Indeed, the evidence from Study One of this thesis (which supports Gallai's [2012] claim), indicated that there was a significant increase in the number of court cases where the quality or accuracy of the interpreting was queried in the five years following the introduction of the Framework Agreement compared to the five years period before its introduction. Gallai (2012) also believed that the requirement for interpreters to be registered with the NRPSI, outlined in the National Agreement, was the first step in recognizing interpreters as professionals. The Framework Agreement removed the requirement for interpreters to be registered with any formal accrediting body, and thus, removing the label of interpreters as qualified professionals.

The findings from Study One suggest judges lack an understanding of the impact that interpreters can have on an individual's ability to communicate. For instance, judges' statements indicated that they continue to make reliability and credibility judgements about witnesses and defendants, even when they are speaking through an interpreter. However, an interpreter's style of interpretation has been shown to influence judgements of statement credibility (Hale, 2002), which would suggest that judges are making such judgements regarding the interpreter's presentation of the individual, rather than the individual's self-

presentation. The findings from Study One appear to suggest that judges are unaware of the potential impact an interpreter may have on their (i.e. the judges') ability to assess the reliability and credibility of a witness/suspect, and as such under-estimate the influence of the interpreter. In this regard, the I-LIE framework has the potential to be a tool for bridging this knowledge gap. Study One highlighted that judges do not necessarily fully comprehend at what point an interpreting error can impact an individual's right to understand the court in which they are tried, as is required by Article 6 of the European Convention on Human Rights (ECHR). Measures, such as the Griffiths Question Map (GQM) used within Study Three and Study Four, have shown promise as tools to assist criminal justice professionals, such as judges, in enabling a better understanding of the quality of investigative interviews (Dodier & Denault, 2017). Similarly, the I-LIE framework has the potential to provide a tool to enable criminal justice professionals to measure the quality of an interpreted interview by assessing the number of interpreting errors of potential legal consequence present within an IAI. Further research needs to be conducted in order to determine acceptable minimum standards of interpreting within an investigative interview, but the I-LIE framework might well be a succinct way of demonstrating an interpreter's accuracy and impact across an interview.

The issue of interpreter experience was also prominently displayed in the findings in Study Three and Study Four of this thesis. The interpreters who participated in the Study Four laboratory study were all Masters interpreting students, whereas the interpreters in the police interviews were all professional interpreters – in that they were contracted by the police and paid for their services. Considering the number of errors made by each group, there was found a higher percentage of interpreting errors made by for the student interpreters than by the professional interpreters (i.e. 58.6% and 33.5% respectively). These findings are in line with those from previous studies, which infer that professional interpreters make fewer interpreting errors compared to non-professional interpreters (Bauer & Alegría, 2010; Flores et al., 2003;

Kilian et al., 2014). Factoring in recent work by Hale et al. (2019), these findings suggest that only having training in interpreting is insufficient. Hale et al. (2019) found that university-trained interpreters performed better compared to both untrained bilinguals and TAFE-trained interpreters, which would stand in opposition to the results found here, as the professional interpreters with unknown qualifications performed better than the postgraduate university-taught students. The apparent contradiction may be suggestive that field-experience, which the professional interpreters were likely to have, is an important contributing factor for quality and accuracy in legal interpreting. Whilst again, without knowing the qualifications of the professional interpreters, this can only be considered as a speculative factor, but it provides suggestion for where future research can better direct and understand interpreting qualifications.

However, it cannot be determined whether the interpreters used within the authentic police interviews were accredited interpreters. There is no record of qualifications or accreditations held by interpreters working for the police. This re-iterates the problem the Framework Agreement (2011) presents, whereby a minimum standard of interpreting cannot be guaranteed. Despite multiple audits highlighting a lack of sufficient interpreter qualification and expertise by the NAO, records of interpreting qualifications held by interpreters used within legal settings are difficult to determine. Without a record of qualifications, the findings regarding the differences between errors from professional interpreters and student interpreters are only suggestive at best. In Study One, it was also found that accreditation of the interpreter was very rarely recorded within any of the court documents. Police and Criminal Evidence Act (PACE, 1984) guidelines only require an “appropriately qualified person” to be an interpreter, and do not state any minimum qualification or experience requirements for the interpreter to be viewed as appropriately qualified. It is likely that PACE guidelines are purposefully vague since there are not always interpreters available in the appropriate language; however, this may

result in police using interpreters who do not have any formal, standardised qualifications or relevant experience, and therefore may not be aware of the influence they have on the legal proceedings. Nevertheless, even without knowledge of the interpreter's accreditation, as the professional interpreters appeared to perform better than the students, there is tentative support for the theory that the experience of the interpreter is relevant. That is, it was known that the student interpreters reported that they had no prior work experience as interpreters in police interviews, whereas the professional interpreters were likely to possess such experience.

The issue of such professional expertise was further highlighted within Study Three. There are significantly more interpreting errors of legal consequence within the sex trafficking case, a serious and complex crime, in comparison with the residence dispute case, which is considered a volume crime. It has previously been argued that public service interpreters should be required to obtain a qualification in legal interpreting in order to provide interpretations for the police (Roberson, Russell, & Shaw, 2012a). However, as investigators are expected to pass additional qualifications to interview for serious and complex crimes, it could be argued that interpreters also require additional training to conduct interviews for serious and complex crimes.

Interpreting accuracy was significantly higher during the interpretation of the police caution (an ever-present feature of police interviews with suspects), suggesting that interpreters are more accurate with topics with which they possess familiarity. Thus, with serious and complex crimes, which are not as frequent as volume crimes, interpreters may lack the appropriate knowledge or familiarity. An issue highlighted in this thesis is that any specific level or type of expertise required for increased interpreting quality and accuracy remains unknown. Interpreters themselves have reported feeling that interpreting qualifications are not necessary to be an effective interpreter. As Olsi Cobo, an interpreter from the United Kingdom stated:

“I was working as an interpreter for NHS (National Health System) in England AND with the police department in Sheffield, UK because I am a native speaker of Albanian and Greek without needing a degree of any kind, but here I need a diploma for medical and legal interpreting, even though both languages are my native tongues. I know how to translate legal terms AND medical terms, I shouldn't need a degree/diploma to utilise my native tongues. I went to school for English Literature, I have a degree in Teaching English as a Second Language from a University in England, but the U.S. won't recognise it and I can't use it unless I get my degree here, AGAIN” (Olsi Cobo, @CoboOlsi, Twitter, November 10th 2019)

Without knowing the qualifications for those interpreters used in the study of authentic police interviews, it cannot be determined what form(s) of qualification is necessary. The evidence suggests that interpreting accuracy is higher with professional interpreters (regardless of their qualifications), but with an error rate of nearly 40%, further steps to improve interpreting accuracy should be taken. What can be considered an “appropriate” qualification is still unclear and, as such, warrants further investigation. Regarding familiarity of language, there is an implication that language or topics which are unfamiliar to the interpreter may increase errors. As such, investigations which utilise new or unfamiliar legislation (e.g.; the Modern Slavery Act, 2015) may pose an increased risk of the interpreter misconstruing legislation and disrupting the interviewee’s right to understand the crime for which they are being investigated, which is an error of significant legal consequence.

Triadic Communications

The second consistent finding throughout this thesis is the impact that interpreters have on the quality of the investigative interview. When an interpreter is used, there is no longer a dyadic conversation between the officer and the interviewee, but instead, the entire

conversation is mediated through the interpreter. For this reason, such interpreted interviews were referred to as interpreter-assisted investigative interviews, as this is more representative of the role the interpreter has within an investigative interview.

As found by Tipton (2018), interviewees can be suspicious of the interpreters used within their interviews. The interpreters who participated in Tipton's (2018) study noted that survivors of domestic abuse refused to let the interpreters speak on their behalf until the survivors were satisfied that the interpreters had no connection to their abusers. For many foreign language speakers, this can be a serious concern as some language communities can be quite small. The minority status of the foreign language speaker increases the likelihood that they may have connections in common with the interpreter. Enabling appropriate communication between the interviewee and the interpreter is essential to establish triadic communication.

Within the interview samples used in Study Three, the role of the interpreter was rarely explained effectively at the start of the interview. While the interpreter was typically introduced by name, it was found that discussions were rarely held which establish the interpreter as a neutral party. Interpreters need to be involved in the initial conversation, not only to establish their position as a neutral party but also to set the pace of the interview. Pacing of speech is important, namely because it is the speed at which the interpreter must work. The Translation and Communication in Training (TACIT) (2019) guidelines recommend that interpreters discuss pacing at the start of the interview, and further recommend that speech be given in "chunks", enabling the first segment of the speech to be rendered before moving to the next.

Interpreter role discrepancies have been highlighted in the previous literature (see Hsieh, 2007; Kredens, 2017; Llewellyn-Jones & Lee, 2013; Loach, 2019; Smith, 2016), but from the study conducted in Study Two, the role discrepancies are established as a function of a trust relationship. Currently, investigators largely have a forced trust relationship with

interpreters, which is defined by a trust relationship in which the investigators must place their trust in the interpreter, regardless of whether that trust has been earned (Hsieh et al., 2010). Both the quantitative and qualitative analyses in Study Two suggested that investigators hold a bias towards the interpreters, as they lacked trust in the interpreter's ability to interpret accurately. It was theorised as a result of this bias; investigators alter their approach to the interview due to their preconceptions about the interpreter. This concern was further supported in Study Three, where it was found that investigators in actual interviews asked significantly more inappropriate questions within interpreted interviews compared to monolingual interviews.

The concern surrounding inappropriate question types is inherently linked to language complexity. Inappropriate question types are significantly more likely to cause errors of potential legal consequence (see Study Three). Complex statements-as-questions are highlighted by the TACIT toolkit (2019) as likely to cause difficulty in interpretation, as the inclusion of multiple relative clauses/components increase the difficulty of maintaining the structure in the target language. It was interesting to see that when the role of the investigator is reduced (i.e.; the interview is scripted), there is no longer a significant relationship between question type and interpreting error (see Study Three) as there are too few inappropriate question types to be interpreted with errors of potential legal consequence.

However, there was a confounding finding in Study Three, as open questions were found to be significantly more likely to cause interpreting errors. This finding was unexpected since open questions are often considered the gold standard for investigative interviews as they have been consistently found to elicit the largest quantity of information from interviewees (albeit in monolingual ones) (Griffiths et al., 2011; Oxburgh et al., 2010). This unexpected finding may be related to the lack of directionality inherent in open questions – as the minimal direction of open questions is what helps to prompt interviewees to provide more information

(Oxburgh et al., 2010). That is, as de Pablos-Ortega (2019) discusses, in certain languages, there is a requirement for the speaker to be specific in the directionality of their speech. Directionality can be difficult to incorporate in open questions, which are, by their very definition, non-specific. The lack of direction encourages the interviewee to speak more with little prompting and avoids undue influence by implying a direction; however, this may be problematic for certain languages or cultures. In English, for instance, the speaker can say “friend” without distinguishing whether this is a female friend or a male friend. However, many other languages have gendered words (e.g.; French, Spanish, etc.), and it would be required for the speaker to be explicit regarding whether it was a male or female friend. If an investigator asked, “Tell me about your friend”, this would be an appropriate open-ended question in English, but in gendered languages, the interpreter could easily make an interpreting error by using the male or female gender of the friend, rather than the ambiguous gender in the original.

Thus, while it is not recommended that interviewers eliminate open-ended questions from their repertoire when conducting interpreter-assisted investigative interviews, investigators may need to be more specific when considering their open questions. Consideration for the cultural differences implicit in different languages needs to be incorporated into interview training. Investigators should have consideration for how cultural differences may impact how their questions are perceived, but also how interviewees may respond to them. It is thus advisable that investigators are encouraged to communicate with an interpreter prior to beginning the interview, in order to establish what common pitfalls might occur, how to avoid them, and also to ensure the interpreter is comfortable informing the investigator when their words are untranslatable. This may not eliminate all linguistic problems, but it may well enable better triadic communications while ensuring that cultural or linguistic issues are considered even before the interview begins.

Triadic Rapport Building

Interviews with police officers indicate that police officers feel that the presence of an interpreter impacts the officer's ability to build rapport with the interviewee (Goodman-Delahunty & Howes, 2017), and both Mirdal, Ryding, and Mette (2011) and Risan et al. (2016; 2017) have indicated the importance of rapport building in working with traumatised interviewees. The limited empirical evidence from a sample of 183 non-native English speakers and 60 native English speakers found no impact of interpreters on rapport (Ewens et al., 2014), which contradicts perceptions from investigators in the field (e.g.; Goodman-Delahunty & Howes, 2017; Hsieh & Hong, 2010). The contradictory findings suggest there is a need to explore how rapport and understanding are built with the interpreter themselves, not simply the rapport with the interviewee through the interpreter. The results from Study Two, for instance, demonstrate a lack of understanding of the role of the interpreter. Police officers and interpreters disagreed as to what responsibilities the interpreter should assume. It has been proposed that effective pre-interview planning and preparation by the police with the interpreter may assist in mitigating this issue since the discussion of roles prior to an interview can clearly establish responsibilities expected during the interview. This is, in effect, means the officer building rapport with the interpreter – a concept that brings further challenges given that (for police officers in England and Wales) the PACE Code of Practice infers that the interpreter is a neutral entity.

Study Two also revealed that interpreters experience emotional reactions as a result of their interpreting and that there needs to be a consideration for the interpreter's emotional well-being. Research concerning monolingual interviews with traumatised interviewees has posited the importance of preparation and rapport building in mitigating the negative impacts of trauma on the quality of the information provided during an interview (Risan et al. 2016; 2017; 2020). Further, there is evidence from the present research, which suggests that the interpreter would

similarly benefit from being incorporated into the preparation and rapport building. Emotional content was found to decrease the accuracy of interpreting in Study Three and Study Four, which may be related to a lack of rapport building with the interpreter. Officers interviewed by Risan et al. (2017) reported finding that preparing themselves emotionally before the interview and allowing themselves to be receptive to whatever might occur was essential in establishing rapport with traumatised interviewees. This was a finding that similarly emerged in the results of Study Two, where interpreters noted a need to prepare themselves mentally and emotionally before an interview. However, at present, the pre-interview preparation for interpreters and police officers appears to be largely occurring in isolation from one another, and while officers may be attending to an interviewee's levels of coping and distress, the results from Study Two suggest the interpreter is not sufficiently accommodated into police officers' preparations.

The findings from Study Three and Four suggest that rapport building in interpreted interviews needs to be one that observes the triadic relationship – particularly in cases where the crime being investigated is traumatic. Victims of traumatic crimes, such as domestic abuse, have shown a reluctance to allow interpreters to speak on their behalf without first building a level of rapport with the interpreter as well as the interviewer (Tipton, 2018). Triadic rapport between interviewer, interviewee, and interpreter has been highlighted as a key component to ensuring therapeutic success in healthcare settings (Mirdal et al., 2011). Triadic rapport building is not only a possible means of ensuring that the interviewee's trauma and coping are recognised, but also might well accommodate for the potential vicarious trauma that the interpreter might experience.

Preparation and planning for interviews where police officers involves interpreters might well trigger discussion of cultural differences, while allowing interpreters to prepare themselves emotionally for interviews. Furthermore, such joint endeavours in the groundwork ahead of interviews might lead to an enabling of rapport between police officers and

interpreters. The latter group of professionals may feel more comfortable, raising any interpreting issues they encounter, and feeling more enabled to alert police officers to either potential or actual misunderstandings as they occur.

Emotional Bias

This thesis examined the impact emotional content can have on the interpreter. It was theorised at the start of this thesis that emotional content would influence the quality and accuracy of the interpreted interview. The impact of felt emotions have been examined within investigative interviews previously, with a focus on the emotions felt or expressed by the officers (e.g.; Oxburgh, Williamson, & Ost, 2006). As Pogrebin and Poole (1991) discuss, the uncompromising standards expected of police officers typically mean that officers feel unable to express emotions such as anger, sadness or disgust during an interview. The author here suggests that the same holds true for interpreters. The interpreters' responses given in Study Two suggest support for the theory that interpreters engage in emotional dissonance behaviours - whereby the interpreter displays an emotion different than their felt emotion (Bakker & Heuven, 2006; Karatepe & Aleshinloye, 2009; Pugh et al., 2011). The majority of interpreters who participated in Study Two identified experiencing emotions during investigative interviews, yet continually highlighted the need to remain neutral when assisting with investigative interviews. One interpreter even commented that when they experience emotion during an investigative interview, they "suck it up" (INT 27). Of course, emotional dissonance behaviours are likely to be highly encouraged, as, within the UK guidelines for interpreters, interpreters are highlighted as being neutral third parties (see PACE Code C).

However, the concept of an interpreter as an entirely neutral party is unrealistic. Interpreters are still, after all, human and come into an interview with their own set of experiences and bias. It has been previously highlighted that interpreters are neither neutral persons nor interpreting machines (e.g.; Garcés, 2015; Nakane, 2009). They contribute their

own subjective understanding into the utterances they interpret. As seen in Study Three and Study Four, interpreters were more likely to make interpreting errors when interpreting utterances which contained emotive speech. The examination of the evidence from those two studies suggests two potential sources of this emotional bias: (i) increased cognitive load as a result of emotional dissonance; or (ii) increased technical difficulty in interpreting emotion related speech.

Increased cognitive load via emotional dissonance.

Professional interpreters from healthcare settings have reported attempting to mimic the emotions and actions of their clients, and it has been suggested that professional interpreters are more likely to mimic the gestures of the original speaker compared to bilingual persons (Goodman-Delahunty et al., 2015). As Holmgren, Søndergaard, and Elklit (2003) found, all interpreters who participated in the study experienced a variety of psychological and physical reactions, including tiredness and exhaustion in their private life which they attributed to their work.

It was theorised that interpreters might show unconscious emotional bias as a result of their engagement in emotional dissonance behaviours. Displaying an emotion that differs from a felt emotion can create an additional cognitive load, as the interpreter is required to actively suppress their own emotions, whilst maintaining a falsified neutral presentation (Zapf, 2002). Interviews with healthcare professionals who work with interpreters have highlighted some of the issues of when the interpreter is not able to maintain emotional dissonance, reporting situations where the interpreter started discussing their own traumas rather than those of the client (Hsieh, & Hong, 2010), or avoiding interpretation of sexual related words (e.g.; Diaz-Duque, 1982; Erez & Globokar, 2009; Maddux, 2010).

Emotional dissonance is considered to be a cognitively demanding task, and suppressing emotion has been linked to weakened memory and reduced completion of

cognitive tasks (Richards & Gross, 2016). Of course, interpreting is already a cognitively demanding task, requiring significant memory of multiple languages to ensure meaning is appropriately conveyed and maintained across languages. Considering the results from Study Two, which indicate interpreters do feel emotion during investigative interviews but choose to repress them, it would suggest that any resulting decrease in interpreting accuracy is related to interpreters' engagement in emotion suppression.

Increased ambiguity in emotive language.

Alternatively, there may be a simpler explanation for the decreased accuracy for interpretation of emotional content. It previously highlighted how the use of complex sentence structure (e.g.; sentences with multiple relative clauses) increase the difficulty of interpretation (see Study Three, Filipović, 2019, and Hijazo-Gascón, 2019). Complex language is also a potential consideration for emotional content and emotive language. Emotion words can be more abstract, with multiple meanings or untranslatable concepts, which increase the difficulty of interpretation (Russell & Sato, 2016; Widhiarso, 2009). Emotive expression is often displayed through idioms or metaphors. For instance, an English speaker might say they are “seeing red” or “feeling blue”, both of which are common English expressions that use colours to express an emotional feeling. While the majority of native English speakers would recognise immediately the intention behind these expressions, their literal interpretation may cause confusion. The interpreter has to determine whether to render the utterance literally or figuratively. As Hijazo-Gascón (2019) notes, the interpreter should not need to be relied upon to decide on the intentionality of the speaker.

There is an added difficulty of interpreting words relating to sex and sexuality, as cultural sensitivities surrounding sex are embedded in language. For instance, Diaz-Duque (1982) noted in their examination of Hispanic women, that many had no words for sexual details. Erez and Globokar (2009) have also pointed out the difficulties of interpreting sexual

language, as in some languages and cultures, euphemisms such as “slept together” or “intimate together” are more commonly used. This is often a difficulty faced by police officers interviewing child victims of sexual assault, as the children interviewed have insufficient language knowledge to describe what has happened to them (Powell, Manger, Dion, & Sharman, 2017).

As mentioned in Chapter 2, there was an Australian court case where the interpreter refused to translate the word “vagina” and thus the court was unable to establish if penetration had occurred (Jung, 1998). Whilst this could be an instance of the interpreter not rendering the word “vagina” due to their own discomfort, it could also be related to a language ambiguity. For instance, if the interviewee had said “private parts” rather than “vagina”, the interpreter would have been unable to render the word as “vagina” without creating an interpreting error. Such a resolution may have assisted the court in determining intentionality; however it would be an inaccurate representation of the original utterance.

Limitations, Implications, and Future Directions

The evidence from Study Two highlighted the infrequency of interpreter briefing. Pre-interview briefings have been proposed as an opportunity for collaboration between interpreters and police officers, and it is theorised that the implementation of pre-interview briefings will enhance the quality of the interpreted interview, although this has yet to be empirically verified. While briefing is proposed as a method for reducing potential discrepancies, and therefore increasing interview quality, Walsh, Oxburgh, and Amurun (2019) found that some interpreters prefer not to receive a briefing because they believe it will influence their interpreting and create bias. It is therefore important to prepare appropriately for the pre-interview briefing, ensuring that material that might bias the interpreters is not included in the brief.

In this thesis comparisons of interpreter qualifications and expertise were not possible

because this detail is rarely ever recorded; the cases used in Study One and Study Three did not contain records of the interpreter's professional qualifications. It is recommended that interpreter qualifications are checked and recorded for each case so that appropriate audits can be done. The last full audit of interpreters within the United Kingdom was conducted in 2014. The Ministry of Justice has continued to use private companies to provide legal interpreters, but audits of interpreting focus on the presence of interpreters and not on quality or qualifications of the interpreters. There is an urgent and overdue need to assess the full impact that interpreting qualifications (or the lack of them) have on the legal system. Thus, there are currently limitations in understanding whether qualifications or experience increase the quality and accuracy of interpretation. This has been highlighted in recent reports from Essex Police (2019), which note there is a lack of key performance indicators available to evaluate performance in face to face interpreting.

While the body of empirical evidence on legal interpreting still remains sparse, the evidence from the studies contained within this thesis lead to two key recommendations for both policy and practice. Firstly, the findings from this thesis suggest a need for a timely review and revision of the Framework agreement to enforce nationwide standards for interpreters and enable better auditing of legal interpreters. A thorough and timely review is recommended as, since the introduction of the Framework Agreement, there has been an increase in the number of legal cases where the interpreting has been questioned (as evidenced by Study One). Reviewing and revising policy to include a focus on improving auditing of the use of interpreters would enable better oversight and understanding of the issues faced when using interpreters in legal settings.

Next, investigators are recommended to modify their approaches in interpreter assisted investigative interviews to better accommodate the presence of the interpreter. Modification of investigators' approaches to those interviews that require interpreters is further elaborated

through the following practical sub-recommendations;

- (i) conducting effective pre-interview briefings with the interpreter;
- (ii) building effective rapport with the interpreter;
- (iii) maintaining awareness and consideration for the emotional well-being of the interpreter; and
- (iv) the avoidance of complex language within interviews.

Effective pre-briefing and rapport building with the interpreter seek to mitigate concerns raised in Study Two, which found discrepancies in understanding of the interpreter's role and responsibilities between interpreters and investigators. Rapport building with the interpreter aims to aid in maintaining the interviewer's awareness and consideration for emotional well-being of the interpreter. Study Two showed evidence that interpreter's emotions were rarely taken into account, and emotive content was found to increase interpreter errors in Studies Three and Four. Thus, maintaining awareness and consideration for the interpreter's well-being seeks to mitigate this, and enables the investigator to stop the interview to accommodate the interpreter's emotional well-being. Finally, Study Three indicated that interviewers were more likely to use inappropriate question types when conducting interpreter-assisted investigative interviews (cf. monolingual interviews). Therefore, the final recommendation of using non-complex language within the interview seeks to reduce ambiguity when conducting multilingual interviews and reduce the likelihood of an error feedback loop. Reducing complexity of language should also be linked back to pre-interview briefings and building rapport, as it enables the investigator to create a dialogue with the interpreter to highlight what language or cultural issues might arise in the interview.

In addition to the above two recommendations concerning policy and practice, recommendations are also made with regard to future research. It is recommended that future studies examine how investigative interviews with interpreters differ (if at all) with suspects

compared to those involving victims or witnesses. As outlined in the literature review, suspect interviews are conducted differently to those involving victims, which may in turn impact how the presence of an interpreter affects the interview. Finally, additional research is required to give appropriate consideration to the potential impacts of different languages and culture. It is known that both language and culture influence how meaning is conveyed, and are thus likely to have an effect on interpretation. While outside of the scope of the research contained in this thesis, these were both factors which were highlighted in the thesis as those that might well have an impact due to how they might change the interactions between the investigator, interviewee, and interpreter. As this field of research develops, it is important to consider the impact of culture and language, and whether these matters affect interpreter-assisted interviews with suspects in any different way (e.g. the amount of interpreting errors) than those with victims.

Conclusions

The findings in this thesis raise issues that both language ambiguity and emotional dissonance may well impact on an interpreter's ability to interpret accurately. The cases used within this thesis intentionally involved highly emotional interpersonal crimes, which have been shown to induce trauma and vicarious trauma (Barrington & Shakespeare-Finch, 2013; Canfield, 2005; Carlier et al., 2000; Kilpatrick et al., 1989). Thus, it is likely that multiple factors are impacting the interpreters' ability to interpret the emotive speech accurately. It is an exceedingly difficult task to interpret ambiguously emotional content while maintaining a neutral exterior emotion and is likely to increase the number interpreting errors made - which was supported in the results from Studies Three and Four.

Foreign language speakers represent an extremely vulnerable population within the criminal justice system. Foreign language speakers are, quite literally, at the mercy of other's voices. If criminal justice outcomes are to improve for minority language groups, how

interpreters are used and perceived in the CJS needs to be improved. Each of the studies contained within this thesis has been aimed to analyse a different aspect of legal interpreting, examining the impact and perceptions of interpreting in courtrooms, experience of interpreters and police officers, authentic police interviews, and the impact of crime severity. This thesis broke new ground in the field of interpreter-assisted investigative interviews, as authentic police interviews have never before been analysed to determine interview accuracy and quality across language barriers.

Furthermore, this research has been approached from a forensic psychology perspective, whereas the existing body of research on the interpreters has come almost exclusively from linguistic or interpreting and translation studies. The use of this approach has allowed the researcher to explore interpreting issues using both qualitative and quantitative psychological methodologies, whereas linguistic and interpreting methodologies more commonly focus on case studies or exclusively qualitative research. By combining the qualitative methodologies with quantitative data, the researcher has sought to allow more generalizability and applicability of the research findings.

The conclusions and recommendations discussed within this thesis are aimed at improving practice within interpreter-assisted investigative interviews. At present, the United Kingdom guidelines for the use of interpreters in investigative interviews are severely lacking. The Transnational Organised Crime and Translation (TOCAT) Project has received funding from the European Social Research Council (ESRC) and Arts and Humanities Research Council (AHRC) to draft new guidelines for police officers to work with interpreters. As explained during their feedback sessions with invited academics and interpreters, as well as at the House of Lords meeting, the TOCAT Project is a ‘Test, Learn, Adapt’ approach to develop the official guidelines (see TOCAT, 2019). The TOCAT team has developed new guidelines, based on pre-existing guidelines, and created a training programme to teach the new guidelines

to select police officers in the United Kingdom and Belgium (Drugan, in press). At the end of each training session, the researchers have gathered feedback from the participants and adapted the guidelines in alignment with the feedback from practitioners. While this can be considered an effective method of improving existing training, it assumes the original training was developed on the basis of empirical peer-reviewed evidence. Considering the paucity of academic literature on the use of interpreters in investigative interviews, it is highly unlikely that there was sufficient evidence available when the pre-existing guidelines were developed. If TOCAT's newly drafted guidelines are indeed disseminated as 'best practice' across the United Kingdom, there is a high risk that the strategies developed by investigators, as a result, will impair rather than improve investigative interviews with interpreters.

The evidence collected and collated through this PhD research has started to develop a model of practice for police officers working with interpreters, but as the research on IAIIs is still in its preliminary stages, further research is required to validate implementation into policing frameworks. The use of interpreters in investigative interviews remains a highly under researched area which requires significantly more attention, given the increasing involvement of interpreters in practice. As seen in Study One, there is a continual rise in the number of cases involving interpreters. As globalisation continues to increase, more people will likely be involved in investigations in countries where the language of the investigators is not their own, bolstering the need for interpreters globally. The findings from this thesis contribute towards an emerging evidence base and outline a baseline from which future research and evidence-based guidelines can be developed.

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Appendices

Appendix 1 – Ethical Approvals

Study Two Research – ethics approved

Dear Lauren,

Thank you for addressing the comments and submitting a revised ethics application, number 070. This has been considered by Professor Felix Arndt, acting on behalf of the Head of Faculty Research Ethics (Professor Dave Walsh). I am pleased to inform you that your ethics application attached and entitled 'Current practices during interpreter-assisted investigative interviews' and supporting documents attached, have been reviewed and approved on the 5th November 2019. I attach Felix's email confirmation to confirm approval.

Please keep a copy of this email and the attachments for your records and to include in your thesis at the end of your studies.

Please allow 10 working days for My Research to be updated through the Doctoral College who have been copied into this email.

If any research is taking place off DMU campus, please send in a copy of your risk assessment as soon as it is processed.

If you have any questions, please do not hesitate to contact BAL Research Ethics BALResearchEthics@dmu.ac.uk

We wish you every success with your research.

Kind Regards,

Claire

Claire Wragg BA(Hons), MA
Research and Innovation Administrator
Faculty of Business and Law

Hours of Work

8.30 am-4.30 pm (Mon-Thurs)

8.30am-4.00pm (Fri)

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Study three research – ethics approved

Dear Lauren

Thank you for addressing the comments on your ethics application, number 071 and sending in supporting materials requested. This has been considered by the Faculty Research Ethics Committee and Professor Felix Arndt, acting on behalf of the Head of Faculty Research Ethics (Professor Dave Walsh). I am pleased to inform you that your ethics application attached and entitled 'Current practices during interpreter-assisted investigative interviews' and supporting documents attached is now approved, on the 19th November 2019. I attach Felix's email to confirm approval.

Please keep a copy of this email and the attachments for your records and to include in your thesis at the end of your studies.

Please allow 10 working days for My Research to be updated through the Doctoral College who have been copied into this email.

If any research is taking place off DMU campus, please send in a copy of your risk assessment as soon as it is processed.

If you have any questions, please do not hesitate to contact BAL Research Ethics BALResearchEthics@dmu.ac.uk

We wish you every success with your research.

Kind Regards,

Claire

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Study four research – ethics approved

Dear Lauren,

Apologies for the delay in replying to you. Thank you for address the feedback in the document attached. I have checked with Professor Felix Arndt who is happy that you have met the provisos and now grants full ethics approval for the study attached (069) 'Interpreter bias during interpreter-assisted investigative interviews'. I attach Felix's email for confirmation.

Please keep a copy of this email and the attachments for your records and to include in your thesis at the end of your studies.

The Doctoral College can now record that you have full ethics approval for this study on 'My Research'.

Kind Regards,

Claire

Claire Wragg BA(Hons), MA
Research and Innovation Administrator
Faculty of Business and Law

Hours of Work

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From: Lauren Wilson <P2451505@my365.dmu.ac.uk>
Sent: 20 October 2019 20:26
To: BAL Research Ethics <BALResearchEthics@dmu.ac.uk>
Cc: Dave Walsh <dave.walsh@dmu.ac.uk>; Research Students <researchstudents@dmu.ac.uk>
Subject: Re: 069_ Lauren Wilson_ Ethics Application_ Outcome

Good evening,

As per the comments provided, I have updated the ethics proposal. Thank you for your feedback.

All the best,

Lauren

From: BAL Research Ethics <BALResearchEthics@dmu.ac.uk>
Date: Tuesday, October 8, 2019 at 2:22 PM
To: Lauren Wilson <P2451505@my365.dmu.ac.uk>
Cc: Dave Walsh <dave.walsh@dmu.ac.uk>, Research Students <researchstudents@dmu.ac.uk>
Subject: 069_ Lauren Wilson_ Ethics Application_ Outcome

Dear Lauren,

On behalf of the Head of Faculty Research Ethics (Professor Dave Walsh), Professor Felix Arndt has reviewed your ethics application attached and entitled 'Interpreter bias during interpreter-assisted investigative interviews' and supporting documents attached. I am pleased to inform you that Professor Felix Arndt approved the application, however with proviso. The approval is subject to your responding to the reviewer comments to your supervisor (Professor Dave Walsh).

Reviewers comments:

1. *Under Section 2e, could you address question 4 and specify if data collection will take place during normal working/schooling hours.*
2. *Under section 2e, question 6 has not been addressed in terms of responsible persons who will be made aware of your location during the data collection process. This is necessary as data will be collected off campus.*
3. *Could you address sections 4c, d & I to explain how confidentiality will be protected as well as security of data. I understand that some of this information is already included in the research proposal. It is however preferable to include this in your ethics form.*

Please also provide a risk assessment.

Please send in evidence that the proviso has been met to me by the **22nd October 2019**.

Please keep a copy of this email and the attachments for your records and to include in your thesis at the end of your studies.

Please allow 10 working days for My Research to be updated through the Doctoral College who have been copied into this email.

Please also send in a copy of your risk assessment as soon as it is processed.

If you have any questions, please do not hesitate to contact BAL Research Ethics
BALResearchEthics@dmu.ac.uk

We wish you every success with your research.

Kind Regards,

Claire

Claire Wragg BA(hons), MA
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Hours of Work
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Appendix 2 - Questionnaire

** interpreter only questions, ** investigator only questions
(all other questions common to both groups)*

Section A: Demographics

1. Please create a participant ID by inputting the first and last letters of your favourite animal followed by the current hour (e.g.; cat at 11:53 would be CT11). Note this ID for your records in the event you wish to remove your input from this study.
2. Gender
 - a. Female
 - b. Male
3. How many years have you been working as an interpreter/police officer?
4. What qualifications, degrees, or accreditations do you have as an interpreter/police officer?
5. What languages are you able to interpret?*
- What is your current job role and rank? **
6. How many interpreter-assisted police interviews have you been involved in?
 - a. 1-15
 - b. 16-40
 - c. 41-70
 - d. 71-90
 - e. 100+
7. Have you had any special training for interviewing?
 - a. Yes
 - b. No
8. Please specify what this training entailed and when you received this:

Section B: Interpreter-assisted Interviews

For this section, please answer all questions with reference to interpreter-assisted interviews.

9. Has interpreting for an interviewee ever made you feel...
 - a. Angry
 - b. Upset
 - c. Afraid
 - d. Happy
 - e. Disgusted
 - f. Other: _____
10. How frequently do you feel these emotions during an interpreter-assisted interview?
 - a. Always
 - b. Often
 - c. Sometimes
 - d. Rarely
 - e. Never
11. Please rate the frequency to which you experience the following (1= Never, 2 = Rarely, 3= Sometimes, 4= Often, 5 = Always)
 - a. I find it difficult to remain impartial during interviews
 - b. I find interpreting for criminal cases emotionally demanding
 - c. I prefer interpreting for victims/witnesses rather than suspects
 - d. I can tell when a suspect is guilty
 - e. I have cried after interpreting for a criminal case
 - f. I have nightmares about some of my cases
 - g. I prefer interpreting for suspects rather than victims/witnesses
 - h. I can tell when a victim/witness is lying
 - i. I know where to find support if I am feeling emotional after a case
 - j. Investigators support me if I feel emotional during a case
 - k. I speak to the interviewee about topics unrelated to the case during breaks
12. How do you handle (the interpreter) feeling emotional DURING an interview? (Select all that apply)
 - a. Request a break in the interview
 - b. Continue the interview and alert the interviewer afterwards

- c. Do nothing
 - d. Other: _____
13. How do you handle (the interpreter) feeling emotional AFTER an interview?
- a. Discuss with colleagues
 - b. Evaluate the impact on the interview
 - c. Discuss with professional (i.e.; therapist, counselor, psychologist)
 - d. Debriefing with the interviewer
 - e. Other: _____
14. Please rate the extent to which you agree or disagree with the following statements: (5= Strongly Agree, 4= Agree, 3= Neither agree nor disagree, 2= Disagree, 1= Strongly Disagree)
- a. The interpreter supports the interviewee
 - b. The interpreter supports the interviewer
 - c. The interpreter interprets literally
 - d. The interpreter interprets faithfully
 - e. The interpreter should explain socio-cultural differences to the interviewer
 - f. The interpreter should explain technical terminology to the interviewee
 - g. The interpreter should adjust the language to suit the level of the interviewee
 - h. The interpreter should put the interviewee at ease
 - i. The interpreter should keep the conversation flowing
 - j. The interpreter should give his/her opinion on the case
 - k. The interpreter should alert the interviewer if they believe the interviewee has learning disabilities
 - l. The interpreter should alert the interviewer if they believe the interviewee is vulnerable
 - m. The interpreter should remain neutral towards the interviewee
 - n. The interpreter should remain neutral towards the interviewer
15. Does the interviewer ever brief you/do you ever brief the interpreter before an interview with an interviewee?
- a. Yes
 - b. No
16. What benefits you receive from receiving a briefing? _____
17. Which of the following are you provided with/do you provide during pre-interview briefings?
- a. Interviewee name
 - b. Crime scene photos (if applicable)
 - c. Interviewee age
 - d. Crime being investigated
 - e. Physical evidence
 - f. None of the above
 - g. Other: _____
18. Do you feel that the information you receive/provide during a briefing is sufficient to conduct the interview?
- a. Always
 - b. Often
 - c. Sometimes
 - d. Rarely
 - e. Never
19. Which of the following have you experienced during an interpreter-assisted interview? (5= Always, 4= Often, 3= Sometimes, 2= Rarely, 1= Never)
- a. Interpreter sometimes asks questions of the interviewee without prompting from the interviewer
 - b. Interpreter does not interpret some of the interviewee's speech
 - c. Interpreter does not interpret some of the interviewer's speech
 - d. Long segments of speech are interpreted in short sentences
 - e. The interpreter interrupts the interviewee
 - f. The interpreter interrupts the interviewer
 - g. Interviewer refers to the interviewee in the third person
 - h. Interviewee refers to the interviewer in the third person
 - i. The interpreter should remain neutral towards the interviewee
 - j. The interpreter should remain neutral towards the interviewer
20. Have you ever thought that the interviewer/interpreter was emotionally affected by the interview?
- a. Yes
 - b. No

21. Have you ever been debriefed by an interviewer/conducted a debrief after an interview?
 - a. Yes
 - b. No
22. What was included in your debrief? _____
23. Have you ever felt the interviewer/interpreter has been influenced by personal opinions during an interview with an interviewee?
 - a. Yes
 - b. No
24. What, if anything, did you do in response? _____
25. Have you ever asked the interviewer/interpreter their opinion on truthfulness of the interviewee's statement?
 - a. Yes
 - b. No
26. Would you like to know their opinion?
 - a. Yes
 - b. No
27. Have you ever been asked your opinion on whether the interviewee is speaking truthfully?
 - a. Yes
 - b. No
28. Would you like to be asked?
 - a. Yes
 - b. No
29. Did you give your opinion, and if so, on what basis did you make your judgement?

30. Have you ever been left alone with a...
 - a. Victim
 - b. Suspect
31. What have you spoken to the victim/suspect about?
 - a. Nothing
 - b. The present case
 - c. Small talk (e.g.; weather, sports, etc.)
 - d. Common interests
 - e. Other: _____
32. Do you think speaking to the interviewee in the absence of the interviewer is beneficial?
 - a. Yes
 - b. No
33. What makes this beneficial?
34. What do you do with notes you have made at the conclusion of the interview?***
 - a. I don't make notes
 - b. Keep them for later reference
 - c. Give them to the interviewer
 - d. Dispose of them confidentially
 - e. Other: _____
- What do you do with notes made by the interpreter during the interview?***
 - a. Nothing
 - b. Make and keep a photocopy
 - c. Ask the interpreter to dispose of them confidentially
 - d. Other: _____

Appendix 3 – Oldenburg Burnout Inventory (OLBI)

Below are a series of statements with which you may agree or disagree. Using the scale, please indicate the degree of your agreement by selecting the number that corresponds with each statement.

	Strongly agree	Agree	Disagree	Strongly disagree
I always find new and interesting aspect of my work	1	2	3	4
There are days when I feel tired before work	1	2	3	4
It happens more and more often that I talk about my work in a negative way	1	2	3	4
After work, I tend to need more time than in the past in order to relax and feel better	1	2	3	4
I can tolerate the pressure of my work well	1	2	3	4
Lately, I tend to think less at work and do my job automatically	1	2	3	4
I find my work to be a positive challenge	1	2	3	4
During work, I often feel emotionally drained	1	2	3	4
Over time, one can become disconnected from this type of work	1	2	3	4
After work, I have enough time for my leisure activities (R)	1	2	3	4
Sometimes I feel sickened by my work tasks	1	2	3	4
After my work, I usually feel worn out and weary	1	2	3	4
This is the only type of work I can imagine myself doing	1	2	3	4
Usually, I can manage the amount of my work well	1	2	3	4
I feel more and more engaged in my work	1	2	3	4
When I work, I usually feel energised	1	2	3	4

Appendix 4 – abbreviated Maslach Burnout Inventory (aMBI)

	Every day	A few times a week	Once a week	A few times a month	Once a month or less	A few times a year	Never
I deal very effectively with the problems of my clients							
I feel I treat some clients as if they were impersonal objects							
I feel emotionally drained from my work							
I feel fatigued when I get up in the morning and have to face another day on the job							
I've become more callous towards people since I took this job							
I feel I'm positively influencing other people's lives through my work							
Working with people all day is really a strain for me							
I don't really care what happens to some clients							
I feel exhilarated after working closely with my clients							
I think of giving up interpreting for another career							
I reflect on the satisfaction I get from being an interpreter							
I regret my decision to have become an interpreter							

Appendix 5 – Multidimensional Mood State Questionnaire (MDMQ)

MDMQ (version one)

Right now I feel... Please choose the appropriate response for each item:

	Definitely not	not	not really	a little	very much	extremely
content						
rested						
restless						
bad						
worn-out						
composed						
tired						
great						
uneasy						
energetic						
uncomfortable						
relaxed						
highly activated						
superb						
absolutely calm						

MDMQ (version two)

Right now I feel... Please choose the appropriate response for each item:

	Definitely not	not	not really	a little	very much	extremely
sleepy						
good						
at ease						
unhappy						
alert						
discontent						
tense						
fresh						
happy						
nervous						
exhausted						
calm						
wide awake						
wonderful						
deeply relaxed						

Victim mood assessment

Do you think the victim was feeling....Please choose the appropriate response for each item:

	Definitely not	not	not really	a little	very much	extremely
Angry						
Sad						
Happy						
Scared						
Disgusted						

Appendix 6 – Transcripts

Scenario 1: Human sex trafficking.

Country of origin: (dictated by interpreting language)

[Victim] with one child aged 2. Moved to the United Kingdom with [partner] at the time 2 years ago believing the UK would provide them with a better life. Felt that they would have better job opportunities within the UK than in [home country]. Upon arriving in the UK, [partner] informed [victim] that [partner] had had to spend a lot of money in order to get them into the UK. [Partner] said [he] knew of a job [victim] could do that would require very little training, which was prostitution. [Victim] refused, but [Partner] continued insisting, saying that if they didn't pay off the debt quickly, their families back in [home country] would be attacked and made to pay their debt. [Victim] eventually agreed, and [partner] took her to a brothel. All the money [victim] made she gave to [partner]

PO: Ok, so, the date is [current date] and the time by my watch is [current time]. We are in the interview at [city] Police Station. I am Detective Constable [George/Georgina] Chaplin, badge 1234. Can you please state your full name and date of birth?

V: [Zhang Li], and my birthday is March 12th, 1996
张莉, 我的出生日期是1996年3月12号。

PO: Right. Thanks. And today we have (Interpreter's name). [He/she] is an interpreter, not a police officer. The interpreter is independent. [He/she] is a professionally qualified interpreter. Interpreters have strict rules about how they work. The interpreter will interpret everything we say. [He/she] will not add, leave-out or change the meaning of our words. The interpreter will not help you. The interpreter will not give [his/her] ideas. You must not talk privately to the interpreter. I will decide what the interpreter does. If we know the interpreter has broken any of these rules, we will take action to make sure it does not happen again.

PO: Awesome. Thanks very much. So [Zhang], can I call you [Zhang]?

V: [Zhang Li]
我叫张莉

PO: Right, [Zhang Li]. You can call me Georgie. So we are now recording [Zhang Li]. There's a camera there and the microphone is here. So if we need to, this recording can be played in court as evidence on your behalf. Is that all right with you?

V: Yes. That is ok.
可以, 没问题

PO: Great. Alright [Zhang Li], today, as you know, we will be talking a bit about how you've come to be here in England, and about who you've met and what you've done while you've been here.

V: Yes.
我知道

PO: I am going to be asking you some questions. If at any point there is something you don't understand, don't panic. Just let me know.

V: Ok. Yes.
好的

PO: Ok. Thanks. So [Zhang Li], why don't you start at the beginning by telling me how you came to be in England and why.

V: I met [Partner] back home, and there is just no opportunities. None at all. I don't have a degree or anything. [Partner] said that if we came here, he knew of a job I could do. He said there are lots of jobs here, and it would be easy for us to make money. And once we made enough money, we could go back

home and buy a house.

我在老家认识了李华。在老家，我根本不可能找到工作，一点机会都没有。我没有读过多少书，也没有其他的什么能力，李华说如果我们来这里，他会给我介绍一个我能做的工作。他说这里有很多工作，赚钱很容易，如果我们赚够了钱，就可以回老家买一套房子。

PO: Mhmm. Ok.

V: And I thought it was a good idea. I wanted to work and make some money. So he went over first and found a place to live.

我觉得这个想法不错，我也想工作赚钱，所以他先来英国，找了一个住的地方。

PO: How long was he here for?

V: He was gone for about a month. He had his [visa] already, but I had to apply for mine and that took some time. He came back just before I got my [document]. We didn't have enough money for the [flight], so [partner] borrowed some money from his parents.

他来了差不多一个月。他的手续已经办好了，我还要申请签证，就等了一下。等我签证下来的时候，他就回来了。我们没钱买机票，李华就问他爸妈借了一点钱。

PO: So you took a flight here?

V: Yes.

是的

PO: And what happened once you were here?

V: I started to look for work, but my English is not very good. I thought maybe I could find work uhhh stocking shelves or cleaning. This sort of work. [Partner] was also looking for work, but he said he could not find anything. He started getting very anxious. He said he needed to send money back to his father, and that we owed him money. He said that his father had had to borrow this money from a lender, and that the lender was getting angry he had not paid it back.

来了之后我就开始找工作，但是我英语不好。我以为我可以找到一些，嗯.....整理货物或者搞卫生这类的活。李华也在找工作，但他说他也找不到。他后来就变得很焦虑，他说要还钱给他爸爸，我们欠他爸爸钱。他说钱其实是他爸爸从别人那里借来的，没还会去，那个人很生气。

PO: Mhmm. And then what happened?

V: [Partner] said that he knew of a job I could do. And he told me that many girls do this and they can make money very quickly. So I asked what it was. And he told it was this job.

李华说他知道一个工作我能做。他说有很多女孩都做，来钱很快。我问他是什么，他就说是这个工作。

PO: Sorry, what is this job? What do you mean?

V: Uhhh this job. Sex.

嗯.....就是出去卖

PO: So, prostitution?

V: Yes.

嗯

PO: Ok, thank you for clarifying. So [partner] told you that you could make money very quickly working as a prostitute. What did you say to that?

V: I said no, I could not do this. This is too much. I will find a job doing something else.

我说不，我不做这个，太那个了，我说我会找到别的工作的。

PO: Mhmm. And then what?

V: He kept asking. Everyday. Begging me. He was crying. Saying his parents were going to lose their house, and that it would be all my fault because he couldn't find any job, but I could do this and it would be easy. That his parents were suffering, with no food, no money. Because of us. So finally I said ok. I will try this, but if I can't do it, I will stop. And he seemed happy with this. He said of course, I would only have to do this until we made enough money to pay back his parents.

他就一直问，每天问，求我，一直哭。他说他爸妈房子都要被收回去了，这都怪我，因为他找不到工作。如果我答应做这件事的话，事情就会简单得多。他总说就是因为我们是，他爸妈才那么辛苦，没吃的，也没钱。最后我就答应了，我说我会试一下，如果不行，我就不做了。他看起来挺高兴的，说当然可以了，等我们赚了钱还了他爸妈，我就不用做了。

PO: How did you start working?

V: [Partner] said he knew someone who could help me find work doing this. He took me to meet a friend of his, uhhhh... [friend]. [Friend] said she needed my passport so she could make run it to make sure I was able to work in the UK. She took pictures of me for the website as well. [Friend] said I would make more money if my picture was on the website.

李华说他认识一个人可以介绍工作。他带我去见他一个朋友，叫，嗯.....叫刘亚，刘亚说要我的护照，要看一下我是不是能在英国工作。她也给我照了照片，放在网站上，刘亚说有照片可以赚更多钱。

PO: What website is this?

V: Uhh... I don't know. It is the website for the [friend's place].
嗯.....我不知道，就是刘亚那里的网站

PO: Right. Do you know [friend]'s full name?

V: [Friend]
刘亚

PO: Got it. And what happened after [friend] took the pictures?

V: [Partner] took me to the [Dollhouse] that evening.
李华那天晚上就带我去那里了

PO: How did you get there?

V: [Partner] drove. He borrowed the car from [friend] when we moved to the UK. He said having access to a car would help us to find work.
他开车去的。我们到英国来以后，李华就从刘亚那里借了车。他说有车更好找工作。

PO: Right. Got ok. So, just let me get this straight. [Friend] took some pictures of you for the website. And the same night, [partner] brought you to the [Dollhouse].

V: Yes.
是的

PO: What happened when you arrived at the [Dollhouse]?

V: [Partner] took me to the reception and [friend] was there and told me I should get changed. So I went to one of the rooms and got changed. As I was getting changed, there was a knock on the door. And I said I was not ready. They knocked again, harder. I put on a robe, and opened the door. A man was there. He said something in English, but I did not understand him. He grabbed my arm and I was scared.

李华带我去前台，刘亚在那里，告诉我要去换衣服。然后我们进了一个房间去换衣服。我正在换衣服的时候，有人敲门。我说还没换好。他们又敲门，而且敲得更大声了。我就披了一个袍子去开门，一个男的站在门口，他用英语说了点话，我没听懂，然后他就抓住我的手，我被

吓到了。

PO: I know this is difficult. But I need you to tell me what happened next.

V: The man, he brought me to the bed. I was so scared. I said, no, I can't do this. I don't think he understood me, but I said no, and he looked confused. He left the room and I could hear him arguing with [friend]. Then she came over to the room, and she said I had to have sex with him, that he'd already paid and he would become very angry with me if I didn't. She spoke to the man again in English and he gave her more money. He came back to the room. I was very scared. I thought maybe if I gave him a massage, he would be happy with that, so I tried to give him a massage. But he was not happy with that. He got undressed and pulled off my panties and started to have sex with me.

那个人就把我拉到床上，我很怕，我说不要，我做不了。我觉得他根本没听懂，但是我说不要的时候，他看起来有点疑惑的感觉。他就走出去了，我听到他和刘亚在吵架。然后刘亚走进房间来，说我要和他上床，他已经付钱了，如果我不和他上床的话他会很生气。刘亚又和那个男的用英语说了点话，他又给了她一点钱。那个男的回到房间里来了，我很害怕，我以为我给他按摩一下就可以了，然后我就试着给他按摩了一下，但他还是不高兴，就脱了衣服，把我裤子拉下来，要和我上床。

PO: Did he use a condom?

V: I don't know. I gave him a condom but he turned me over so I was lying on my front and I couldn't see what he did. He was a very big man. He was much heavier than me. I could barely move.

我不知道，我给了他一个安全套，但是他把我转过去，我是趴着的，根本看不到他在干嘛。他身高体壮的，比我重得多，我根本没办法动。

PO: How did you feel?

V: I wanted to die. My family... they will disown me if they find out. I don't want them to know. I feel so ashamed. When the man left, I did not even look up, I just cried and cried.

我想死，我家人如果知道这事的话，肯定会和我断绝关系的。我不想要他们知道，我觉得很羞耻。那个人走掉的时候我根本没抬头看，我就一直哭一直哭。

PO: What happened next?

V: There was another knock at the door, but I couldn't answer. [Friend] came in and told me to stop being a baby. That I should be happy and that I'd made money. But no one likes a girl who cries. She told me to shower and get changed. I cried in the shower. I asked [friend] if I could speak to [partner]. I called him and he said it was no big deal that I should just finish working tonight and he would come and pick me up in a few hours.

然后又有人敲门，我没理会。刘亚进来了，叫我不要这么幼稚，她说我赚了钱应该高兴才对，没人喜欢一个哭啼啼的女孩子。她叫我去洗澡换衣服。洗澡的时候我又哭了。我问刘亚我是否可以见见李华，我给他打了个电话，他说没事的，他说过几个小时，我下了班他会来接我。

PO: And did you? Continue working that night I mean.

V: I stayed until [partner] came to pick me up, yes.
嗯，我就等到他来接我。

PO: Did you see any more clients?

V: No. I was too upset. [Friend] said I would scare off the clients and I would never make money.
没有，我很难过。刘亚说我会吓跑客人，就再也赚不到钱了。

PO: Ok. So [partner] you stayed until [partner] picked you up. What happened when he picked you up?

V: He spoke to [friend] and he was quite angry. He took me home in the car. I cried, I said I could not do this anymore. He was so angry, he shoved my head against the window of the car. He said I was a stupid selfish crybaby. He said at this rate, we would be in debt forever. I cried. My head was bleeding from hitting the window.

他和刘亚说了话，然后就很生气。他开车载我回家的时候，我哭了，我说我再也不做了。他非

常气，把我的头撞到车窗上。他说我又蠢又自私又爱哭。他说按这个速度，我们永远还不清债。我又哭了，我的头也撞破流血了。

PO: That sounds awful, I'm sorry you had to go through that. So what did you do next?

V: I thought I would leave – get a plane home as soon as I could. But when we got back to the flat, [partner] apologized and said he was sorry. He said he was just so anxious about the safety of his parents. He said the people they owed money to back in [country of origin] were angry about not getting their money back. They had threatened to burn down my mother's house. I was so scared. My son lives with my mother. I could not bring him over until I had enough money.

我那个时候想我可以走，尽快坐飞机走。回到家里的时候，李华向我道歉，他说对不起，他只是太担心他爸妈的安全了。他说国内的债主没收到钱很气，还威胁我妈说要把我妈的房子烧掉。我很害怕，因为儿子和我妈住，我赚到钱才能把他接过来。

PO: Right. What happened to the money you made that evening? And other evenings since?

V: I never touched it. [Friend] kept it until [partner] showed up and then gave it to him.

我根本没拿到钱，刘亚拿了钱，李华来的时候就给他了。

PO: Right. So after that night, did you go back to the club? The er.... Dollhouse?

V: [Partner] took me back to the Dollhouse many nights. Some nights he brought me to men's houses instead. [Partner] said I would make more money from these houses rather than the Dollhouse.

后来李华又带我去了好几个晚上。有几次直接带我去了人家家里。李华说如果去家里赚的钱更多。

PO: And did you ever keep any of the money?

V: No. [Partner] took all of it. If he thought I had not given him all the money, he would beat me.

没有，李华拿了钱。如果他觉得我没有把钱全部给他，他会打我。

PO: Right. And what did [partner] do with the money?

V: Initially, I thought he was sending it back to his parents to pay off his debt. He said he was sending some of the money back to my mother for [son]. But I was stupid to think such things. He would show up with new clothes and awful jewelry. He changed his car to a BMW. He spent so much money on alcohol. He was drunk most evenings. [Friend] would come over and they would drink together.

一开始，我觉得他把钱寄给他爸妈还债了，他说他给钱给我妈照顾儿子。但是我太傻了。他经常穿着新衣服，戴着首饰。他换了一辆宝马，花很多钱买酒，几乎每天晚上都是醉的。刘亚有时候也会来家里，他们会一起喝酒。

PO: Mhmm..

V: When he was drunk, he would laugh at me and tell me that I was a useless stupid cunt. And that he owned my pussy. [Friend] told me how he put his last girlfriend in the hospital after she went to the police.

他喝醉的时候会笑话我，说我是个没用的蠢货、婊子，他说他我的身体就是他的赚钱工具而已，刘亚和我说，他上一个女朋友报警后，他把她打到住院。

PO: How did you feel about having sex for money?

V: Awful. Every time, these men use me like a fuck toy. [Friend] said I should just let them do what they want, it will be easier. I try to get them all to wear condoms, but sometimes they say they paid to have sex without a condom. One man wanted to have anal sex with me, and I told him no, I don't do this. But he forced me down and fucked me in the ass anyways. It hurt so much. I bled. I couldn't walk for a day afterwards. [Partner] said I was disgusting, and no one would want to fuck me when I was like this so he didn't beat me for not going to the Dollhouse that day.

很难过，那些人都当我是发泄的工具，刘亚说我就让他们做他们想做的事，这样简单点。我让每一个人都戴套，但是有时候他们说他们付的钱是不戴套的。有一次一个人说要肛交，我说

不，他就把我摁下去，还是从后面来了。太痛了，还出血了。后来一天我都走不了路。李华说我很恶心，我这样根本没人会和我上床，那天我没去，他也没打我。

PO: Did you ever try to contact the police? Or try to go home?

V: I didn't think the police would help. I didn't know how to contact them anyways. Besides, I don't have enough money to get home and [friend] still has my passport. They said they without my passport, the police would put me in prison and I would never see my son again.
我不觉得警察会帮我，我也不知道怎么报警。我没钱回家，护照也还在刘亚那里。他们说如果没有护照，警察会把我抓起来，我再也见不到我儿子了。

PO: Do you feel safe now?

V: A bit.
一点点

PO: Well, [Zhang Li], thank you for telling me all that. I'm just going to summarise everything you've said so far. If I get anything wrong, just let me know.

V: OK.
好

PO: So, you came to England about 6 months ago. You came here with [partner], with the intention of finding work to help support your mother and son. When you got here [partner] said you could make easy money quickly by having sex for money. You said you didn't want to, but he insisted and said his family was being threatened back in [country of origin] because of you had borrowed money from them and needed to pay it back. You agreed to try it out. [Friend] asked for your passport to check that you were able to work, and took some photos of you to put on the website. [Friend] never gave you your passport back. [Partner] brought you to the Dollhouse, where you had sex with one man that evening for money. [Friend] kept the money from this man and gave it to [partner] when he arrived to pick you up. You told [partner] you did not want to do this, and he became angry, smashing your head against the window of the car hard enough so that it bled. [Partner] said he was sending the money you made to his parents and your mother, but you think he was spending it on new clothes, cars, and drink. You continued to work as a prostitute over the next 6 months, because you were scared. [Partner] frequently beat you and threatened to burn down your mother's house. You thought if you went to the police, they would arrest you since [friend] still had your passport.

V: Yes. That is right.
嗯，没错

PO: Alright, thank you for telling me all this information. I know it has been hard. We're going to take a break down. The time is [current time].

Scenario 2: Residence dispute.

Country of origin: (dictated by interpreting language) *China*

Married couple with one child aged 4 years old. Couple moved to the United Kingdom 5 years ago believing they would have a better life in the UK. Felt that they would have better job opportunities within the UK than in [*home country*]. Upon arriving in the UK, their relationship began to deteriorate. Lack of work was a constant struggle and [partner] became very depressed. [Victim] unhappy that [victim] was the only source of income in their family. When [PERSON] became pregnant, [partner] seemed reinvigorated, and [victim] thought that their marriage would recover. However, once [child] was born, the stress of taking care of [child] caused them to have more arguments. They eventually decided that separation was the best option. [Partner] recently received a job offer back in [country of origin] and wants to return to pursue it, but wants to bring [child] with them. [Victim] has already stated that they do not wish to return to [country of origin] as their job and life are in the UK, and [victim] has no prospects in [country of origin]. [Victim] is currently seeking full custody of [child]. [Child] spends time with [partner] while [victim] is at work, but [victim] picks up [child] at the end of the workday. Last night, [child] had slept over at [partner]'s house, but they were not there when [victim] went to pick up [child]. [Victim] knows that [child] will be safe with [partner], but wants [child] to return to their home here in the UK. [Victim] did not expect [partner] to be capable of doing this.

PO: Ok, so, the date is [current date] and the time by my watch is [current time]. We are in the interview at [city] Police Station. I am Detective Constable [George/Georgina] Chaplin, badge number 1234. Can you please state your full name and date of birth?

V: [Liu Yang], November 20, 1993.
刘洋, 1993年11月20号出生。

PO: Great. Thank you. And today we have (Interpreter's name). [He/she] is an interpreter, not a police officer. The interpreter is independent. [He/she] is a professionally qualified interpreter. Interpreters have strict rules about how they work. The interpreter will interpret everything we say. [He/she] will not add, leave-out or change the meaning of our words. The interpreter will not help you. The interpreter will not give [his/her] ideas. You must not talk privately to the interpreter. I will decide what the interpreter does. If we know the interpreter has broken any of these rules, we will take action to make sure it does not happen again.

PO: Great, thank you very much. All right, so. We are now recording. We've got the microphone here and you are being captured on the video as well. We're recording this so that it can be played in court later if necessary.

PO: Right. Today we are going to talk about what's happened. And I want you to tell me in as much detail as possible ok? And when you've done that, I'll ask you a few questions and clarify some things.

V: Ok.
好

PO: If there's anything you don't understand, just ask.

PO: What's most important now is that you tell me the truth. I know a little bit about what's happened, but why don't you start at the beginning and tell me everything that's happened and why you are here today.

V: My husband was taking care of [child's name] while I was at work. Normally I pick her up after I finish my shift, but since I was working a late, I didn't want to wake her up so she stayed with [husband's name]. I went to pick her up this morning from, but no one was home. I tried ringing his cell but there was no answer. I waited outside his flat for hours, but he never came back. I was frantic, I called my sister, and my parents, but they didn't know anything. I called the police! [Husband]'s mother finally messaged me to tell me not to worry, and that [Husband] and [daughter] were staying with them in [country of origin]. [Husband] says he is not going to bring her back. She is my daughter, he is not allowed to do that. He has no right! She should be with her mother. I should have custody of her.

我上班的时候我丈夫李冰在家带君君。我一般下了班就会去接她，但是我昨天下班有点晚，我不想吵醒她，就让她住在李冰家。今天早上我去接君君，但没人在家。我打电话给李冰也没人接。我就在门口等了好几个小时，他也没回来。我就慌了，打电话给我姐姐，我父母，但他们根本不知道发生了什么。我就报警了。然后李冰的妈妈给我发短信说不要担心，李冰和君君回国了，在她那里住。李冰说他不会带女儿回英国的。但君君是我的女儿，他不可以那样做！他根本没权利那样做！君君应该和她的母亲在一起，我应该有对君君的监护权！

PO: Right. So that's a lot of information you've given me there. Let's start with [Husband]. How did you meet him?

V: I met him... umm... 5 years ago. He moved in to the flat next door to me back in [country of origin]. He used to help me with my groceries. He asked for my phone number and we started dating.

我大概.....5年前认识他的。在国内的时候，他当时搬到隔壁住，经常帮我提东西之类的，然后他问我电话号码，我们就开始在一起了。

PO: And how long were you married for?

V: We were married for 4 years. We got married in 2012 back in [country of origin], but we got divorced last year.

我们结婚4年了。我们2012年在国内结的婚，但去年离婚了。

PO: Got it. And how did you come to be in England?

V: [Husband] was laid off from his job in [country of origin]. He tried to find work, but there were no opportunities. [Husband] has British citizenship as well as [country of origin]ship. He thought that we should move to England because there were more opportunities there. My sister and brother-in-law were already living in England. My brother-in-law is English, and owns a restaurant. [Husband] and [brother-in-law] are quite friendly with each other, and [brother-in-law] said he would be able to help [husband] and that he could help him run the restaurant.

李冰在国内丢了工作，想再找工作又找不到。李冰有英国和中国双重国籍，他得到英国来会有更多机会。我姐姐和姐夫都在英国。我姐夫就是英国人，在开餐馆。李冰和姐夫关系也很好，姐夫说他会帮李冰，李冰可以帮他管理餐馆。

PO: Ok. When did you arrive in England?

V: We moved here.... Uhh.... February of 2013.
我们.....13年二月来的。

PO: Right. And how was your relationship once you got to England?

V: Initially, we were very happy. [Husband] started working with [brother-in-law]. The flat we moved into was close to my sister so I could visit her during the day. England was much more relaxed than our life in [country of origin]. [Husband] started to become distant after we had been in England for many months. He said this job was boring and he didn't like it. But I was pregnant and that told him that he should be thankful that he has a job at all, and we are lucky that [brother-in-law] is so generous. We needed the money to support our child. [Husband] agreed that he would wait until after our daughter was born to look for other work.

一开始我们很开心。李冰和姐夫一起工作。我们住的公寓离姐姐家很近，白天的时候就可以去姐姐家。英国的生活比国内轻松得多。几个月以后李冰就显得很疏远，他说工作很无聊，不喜欢。那个时候我正怀着孩子，我就和他说有工作就不错了，姐夫很大方，我们确实很幸运。我们也要钱照顾孩子。李冰就同意了，说他会的女儿出生之后再找另外的工作的。

PO: Ok. And how did he feel after your daughter was born?

V: He was very happy. Babies make everyone happy. [Daughter] is such a happy baby, she makes you smile so easily. But they need a lot of attention. I was working hard to take care of [daughter] and [husband] seemed disinterested in helping take care of her. He said this is a woman's job, it is up to you to keep her happy.

他很开心，每个人都很开心。君君很可爱，她每次都让大家情不自禁地笑起来。照顾孩子也很费时费力，我努力照顾君君但李冰好像不是很愿意照顾她。他说这是女人干的活，我要负责让

君君开心。

PO: Mhmm.

V: He became very angry all the time. He would get so frustrated any time [daughter] cried. He said he was so exhausted, why couldn't I just keep her quiet for a few hours so he could relax? He was taking longer and longer hours at work. One day, I was mentioning this to [sister], and she told me that [husband] had not been working at [company] for many months. She said [brother-in-law] had had to fire him because they caught him drinking while at work. I couldn't believe it. I was very angry with him.

他后来变得很易怒。君君哭的时候他都很不耐烦，他说他很累，我为什么不能让君君安静几个小时好让他休息休息。他每天工作的时间越来越长。有一次我和姐姐说这事，姐姐说他好几个月都没去公司上班了。他说姐夫后来不得不开除他，因为他上班的时候喝酒。我简直不敢相信。我非常生气。

PO: What happened next?

V: He stopped hiding his drinking. He would drink all day when he was home with me. We had no income, I was worried for my daughter. I started looking for work, but had trouble since my English is not good. I did not want to leave him alone with [daughter] while he was drinking, so I left her with my sister when I was looking for work. My sister begged her husband to help me, and [brother-in-law] offered to let me work in the kitchen at his restaurant. I was so angry with [husband]. I moved in with my sister. I told him he would not be allowed to see his daughter unless he was sober.

他喝酒再也不藏着掖着了。他在家的时候每天都在喝酒。我们没有收入，我很担心我的女儿。我开始找工作，但是很难，因为我英语不好。他一直喝酒，我不想把女儿留在家和他单独在一起，所以我上班的时候就把女儿放在我姐姐家。我姐姐让我姐夫帮我，姐夫就让我在餐馆的后厨上班，我对李冰很生气，就搬到了我姐姐家住。我告诉他在他戒酒之前，我都不会让他见到女儿。

PO: Does he see [daughter] now?

V: Yes. He only saw her when either my sister or I was around to watch over [daughter]. He stopped drinking so he could spend time with her. [Husband] loves her very much. [Daughter] is very attached to him.

会的，我姐姐或者我在的时候他才能见女儿。他为了见女儿也戒酒了。李冰很爱女儿，女儿也很喜欢和他在一起。

PO: Has [husband] ever harmed [daughter]?

V: No, no, no. No, never. When he was drinking, he could be very angry and she would get very upset and cry. He is very good with her now. I let him take care of her by myself now. He has not been drinking much lately and he would never hit her or hurt her.

没有，没有，完全没有。他喝酒的时候很生气，女儿也会难过，会哭。他现在对她很好了。我现在也让他照顾女儿了。他最近都没怎么喝酒，他也不会打她或者伤害她。

PO: How old is your daughter? What's her date of birth?

V: [Daughter] is almost 3. Her birthday is February 2nd, 2015.

君君差不多3岁了，她是2015年2月2日出生的。

PO: All right [victim], why don't you tell me a bit about your daughter? How does [daughter] get along with [husband]?

V: [Daughter] is so beautiful. She is so happy and bubbly. She talks all the time. She is a very happy child. She is a very patient child. She loves her father, she gets very excited when he comes to visit.

君君很漂亮，她很活泼可爱。她每天都在说话，是一个很开心的孩子。她也很有耐心，很爱她爸爸，每次见到爸爸都很激动。

PO: What is your relationship with [daughter] like?

V: I love her with all my heart. I cannot imagine not seeing her everyday. This is the longest I've ever gone

without holding her. I know she is missing me, how can she be without her momma? He has no right to take her!! She is my daughter!

我十分爱她，我不敢想象有一天我见不到她。这次是我和她分开最长的时候。我知道她想我，一个孩子怎么能没有妈妈呢？他没有权利带走她！！！她是我的女儿！！！！

PO: What was your relationship with [husband] like after you moved in with your sister?

V: At first, we fought very much. He was upset I had left, he wanted me to come back with our daughter. But I was angry. I did not want to live with him when he was like this. He seemed angry that I was working all the time and not spending enough time with [daughter], but I had to help bring in money and we had no income.

一开始我们总吵架，我离开了他很不高兴，他想我带女儿回去。但是我很生气，他那样，我不想搬回去和他住。我工作很长时间，没什么时间照顾女儿，他也因此很不高兴。但是我必须要赚钱啊，因为我们根本没有收入。

PO: How was [husband] supporting himself when you were separated?

V: I believe his parents were sending him money.
我觉得是他爸妈给他钱的。

PO: So, you said you stayed with your sister when you separated from [husband]?

V: Yes, that is right. .
嗯，没错

PO: What is your sister's name?

V: [Sister]
刘燕

PO: And how long has your sister been living here?

V: She moved here about...7 years ago? Her English is much better. Very good, she works at the front of the restaurant with the customers. She is very friendly and good with the customers.

她大概.....7年前来的。她的英语很好，比我好多了。她在餐馆门面做事，接待客人，她人很好，对顾客也很友善。

PO: And how did [husband] react to you leaving?

V: At first he was very angry, but then he just seemed very sad. He kept calling me, saying he wanted to see [daughter] and wanted me to come home. I was worried because I thought it was just because he was drinking too much. But he stopped drinking and he has been much better. He still asks me to come back to him, for the sake of our daughter, but I said no. I am happy where I am.

一开始他很生气，但是后来他又很难过。他一直打电话给我，说他想见君君，想我回去。我很担心，因为我觉得他打电话只是因为他酗酒的原因。但是后来他戒酒之后就好多了。他还是一直叫我回去，说是为了女儿好，但我还是拒绝了，我对于现状很满意。

PO: And what is your relationship with [husband] like now?

V: We have been very friendly until recently. About 2 weeks ago, [husband] was dropping off [daughter] after taking her to the park and he said he had great news. He said that he had been offered a job. I was very excited for him, and I told him I am very happy for him. He said he has been offered a much higher position at his old job in [country of origin] and that we would all move back to [country of origin]. I told him he is crazy. I am not moving back. I live here, I work here, my [daughter] lives here. I cannot. There is nothing for me there. My family is here, my daughter is here, my job is here. There is nothing for me back in [country of origin]. I told him that he should go so he can help support his [daughter], but he cannot take [daughter] with him and I will not go.

后来我们关系一直很友好，直到2个礼拜前，他带女儿去公园，送她回来的时候他说他有好消息。他说他找到工作了。我很激动，我说我很为他高兴，他说新工作的工资要比原来的工作高得多，他希望我们都搬回中国去。我说他肯定是疯了，我不会回中国的。我现在在这里工作和生活，我的女儿也生活在这里，我不能回去。中国对我来说没什么了，我家人都在这，女儿在这，工作也在这。中国对我来说没有什么了。我告诉他他应该回中国，这样才能赚钱养女儿，但他不能带走女儿，我也不会去的。

PO: Did you think he would abscond with [daughter] without asking you?

V: No. It was completely unexpected. I did not think he was capable of doing such a thing. I didn't know he had her passport.

没，我从没想到他会这样做。我原来不认为他能做出这种事，我根本不知道他拿了女儿的护照。

PO: How did he get her passport?

V: I don't know. I had it in with my passport in a drawer. I didn't think he knew where it was. He must have taken it while I was at work and he was taking care of her.

我不知道，我把她的护照和我的护照都放在一个抽屉里了。我原来以为他不知道在哪里。他肯定是趁我上班他来照顾女儿的时候拿的。

PO: Does [husband] usually stay at yours while he is watching [daughter]?

V: Not usually. But if I have to get to work and [daughter] is not ready yet when he comes to pick her up, I will sometimes leave him in the flat to finish letting her get ready.

一般不会的，但是如果我要上班，又没准备好东西让他接女儿过去的时候，我就会让他进来家里，收拾好东西再去他那里。

PO: Does this happen often?

V: Not often, but sometimes. He usually brings her to the park and then back to his flat.

没有很经常，偶尔。他通常带女儿去公园，然后再去他那里。

PO: Right. So did this happen on the day that [husband] took your daughter? Did you leave him in the flat?

V: She was being a bit fussy before I left for work, but nothing unusual. I told [husband] I had to get to work, and he said he'd make sure to close the door behind him when [daughter] was ready.

那天我去上班前，她有点闹脾气，不过她也经常这样。我告诉李冰我要去上班了，他说他收拾好东西会把门关好。

PO: And you said [daughter] stayed with him overnight?

V: Yes. I was working very late, we had some late customers so we could not close. I texted [husband] to ask if he was ok keeping [daughter] overnight. He said that was fine, and I could come pick her up in the morning.

是，那天我很晚才下班，很晚的时候来了几个客人，弄得我们很晚才关门。我给李冰发短信问他女儿在他那过夜行不行。他说没问题，我可以早上去接她。

PO: Was this a common occurrence?

V: Usually if I am working in the evening and [husband] is taking care of [daughter], he knows that I may have to leave her with him overnight. I think he is glad to have [daughter] at his home to tuck her in and read her stories at bedtime.

平时如果李冰在照顾女儿的时候我很晚下班，他都知道我可能要把女儿放在他那住一晚上。我觉得他很高兴可以留女儿在他那儿，给女儿讲睡前故事。

PO: Ah got it. So, how is it you know that came to find out [husband] took [daughter] back to [country of origin]?

- V: His mother texted me to tell me. She knew I would worry if no one told me.
他妈妈发短信告诉我的。他妈妈知道如果没人告诉我事实的话我肯定会担心。
- PO: So who will look after [daughter] if [husband] is working in [country of origin]?
- V: His parents would probably look after [daughter] while if he is busy at work.
如果他工作忙的话，他父母会帮助照顾女儿的。
- PO: What are their names?
- V: [Husband's father] and [husband's mother]
李建国和张青
- PO: And what are their dates of birth?
- V: [husband's father] is April 12th... I do not know the year. And [husband's mother] is April 20th. Again, I do not know the year.
他爸爸的生日是4月12号，我不知道哪年的。他妈妈的是4月20号，我也不知道是哪年的
- PO: And what are his parents like?
- V: They are kind people. [Husband's mother] loves [daughter] very much. She knew I would be worried about [daughter] so she told me where [husband] had taken her. [Husband's father] I think he is not as friendly, but he was very nice to me when [husband] and I were married.
他们都是好人。他妈妈特别喜欢君君，她知道我肯定会担心君君，所以才告诉我李冰带她回国了。李冰的爸爸不如他妈妈那么友好，但我们结婚的时候他爸爸对我还不错。
- PO: How do you feel knowing that [husband] has [daughter]?
- V: Terrible. I am worried he will not bring her back. I do not want to leave. There is nothing for me to do back in [country of origin]. They will not respect me. I am divorced and have a child. No one will hire me. I have no skills, I will not be able to provide for [daughter].
非常难过，我很担心他不会带君君回来，我也不想离开英国。我根本没什么理由回中国，他们不会尊重我的，我离婚了，又带一个小孩。我找不到工作，也没什么技能，我没办法养女儿的。
- PO: Ok. Thank you [Liu Yang]. You've given me a lot of information. I'm just going to summarise what you've told me so far, and then we can take a break. Let me know if anything I say is wrong.
- V: Ok.
好
- PO: You and [husband] met in [country of origin] where you got married. You moved to England in 2013 because [husband] thought he had better job opportunities here. You got pregnant and had [daughter] in 2014. However, [husband] did not like his job and started drinking heavily, both at work and at home. You felt unhappy and left him, moving in with your sister and brother-in-law. You started working for your brother-in-law, as you had no income from [husband]. You and your sister took primary care of [daughter]. Initially, [husband] only had contact during supervised visits, but when he stopped drinking, you allowed him to watch your daughter independently. A few weeks ago, he received a job offer back in [country of origin] and asked you to come with him, and bring [daughter]. You refused, and you argued about this. Two days ago, he was looking after [daughter] overnight while you were at work. When you went to pick her, they were not there. Eventually, you were informed by [mother], [husband's] mother, that [husband] had taken [daughter] to [country of origin]. While you do not think that [husband] will harm [daughter], you are worried that he will not bring her back, and as you have full custody, he does not have the right to take her without your permission.
- V: Yes that is all correct.
嗯，没错。

PO: Ok. Thank you very much for everything you've given us so far. We'll take a break now. The time is [current time].